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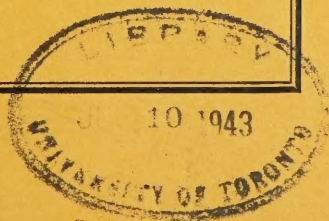


DEPARTMENT OF LABOUR  
CANADA

# Wartime Orders in Council Affecting Labour

*Revised Edition*  
*June, 1943*

OTTAWA  
EDMOND CLOUTIER  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1943







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## INTRODUCTION

This publication supersedes a pamphlet of the same title issued in April, 1942. It contains the full text or summaries of all Orders-in-Council in the labour field which have been passed by the Dominion Government as a result of war conditions and which are still in effect. It does not include such measures as the price-control regulations which do not affect workers as such.

The various Orders are arranged in sections under nine main subject-headings and most of the sections have subdivisions. At the beginning of each section and subsection there is an explanatory statement. A chronological list appears in the Appendix. Unless otherwise stated, all the Orders-in-Council in the pamphlet were passed under the War Measures Act.

### Labour Legislation in Canada Before the War

The British North America Act gives to the provincial legislatures the power to enact legislation relating to civil rights, among which are the right of contract and freedom of association, and also to local works and undertakings with certain exceptions such as transport and communication facilities extending beyond a single province. Since most labour laws impose conditions on the contract of employment or the operation of workplaces, they are normally a provincial matter and all the provinces but Prince Edward Island, which is almost entirely agricultural, have a substantial body of legislation relating to hours of work, wages and other conditions, factory inspection, workmen's compensation and the settlement of industrial disputes.

The Dominion Department of Labour has assisted in settling labour disputes through its conciliation service, and in certain industries through the operation of the Industrial Disputes Investigation Act. Government contractors are required to observe stipulated conditions as to wages and hours on construction jobs and in the manufacture of supplies for the Government. The working conditions of the Dominion's own employees are regulated and workmen's compensation is provided for them under the same conditions as provincial laws lay down for workers in private industry. There are also federal laws relating to railway workers and seamen. By virtue of its power over criminal law Parliament has passed legislation concerning trade unions, picketing, and Sunday labour. An amendment of 1940 in the British North America Act enabled the enactment of a statute providing for a national system of unemployment insurance and employment offices. Previously the Dominion and provinces had co-operated to enable provincial systems of employment offices to be linked together for interprovincial clearance of labour and publication of information. The Dominion and provinces have also co-operated in providing youth training.

### Effect of the War

The war has brought about a temporary shift of legislative authority in the labour field. The Parliament of Canada has full power to enact laws which it considers necessary for the security of the State in time of war and, since speed is usually a vital element in the execution of wartime policy, Parliament vested its authority, through the War Measures Act, 1917, in the Governor-in-Council in any matters arising out of war in which it might be necessary for him to act.

Apart from the recruitment of men for the armed forces, the object of federal policy has been to secure the greatest possible output of war materials while safeguarding the workers' basic standard of living. Early in the war the Government announced its determination to avoid inflation in financing its war effort. At first, little more was necessary than to absorb unemployed men and resources into productive use, but these eventually became exhausted. Widespread shortages began to appear and they were aggravated by shipping losses which made it increasingly difficult to obtain goods from the United Kingdom and other overseas countries and by the expansion of the



American Lend-Lease program and defence needs which made fewer goods available from that source.

Government policy, therefore, has now resolved itself into an effort to obtain the most effective use of limited supplies of labour, equipment and raw material. Consumers' purchasing power has increased with employment and earnings, but the production of most goods for civilian use has to be curtailed in order to release labour, power and material for the production of war equipment. Moreover, supplies must be allocated among war users themselves.

Monetary and fiscal measures have been devised to act on the credit and income structure of the country in such a manner as to prevent unrestricted bidding for goods. Such measures, however, can do no more than exert indirect and non-specific pressure and they have been steadily supplemented by an extensive system of direct controls over the allocation of materials. Artificial diversion of materials to war uses, in turn, has necessarily been accompanied by comprehensive price control. Otherwise the shortage of civilian goods would result in an uncontrollable rise in prices.

### Wartime Labour Measures

Labour, too, has become increasingly scarce and a comprehensive National Selective Service program has been put into effect. The movement of workers among jobs is carefully regulated and single men of military age and certain married men who are physically fit are required to undergo military training. Moreover, the Wartime Prices and Trade Board has been directed to curtail civilian industries and trades in order to release manpower for other purposes. A wartime training program has been developed to reduce the shortage of workers with necessary types of skill. Special steps have been taken to increase the supply of merchant seamen, to organize an efficient system of hiring them and to provide for their safety and welfare.

Stabilization of incomes has been another integral part of the general wartime policy, for without it the increase in the purchasing power of the public would make much more difficult the diversion of productive capacity from civilian to war uses and the effective control of prices. Moreover, stabilization is considered to be justifiable since, with a general price ceiling in force, increases in basic wage rates, as distinct from cost of living bonuses, are not necessary to maintain the basic standard of living. To an extent, incomes are controlled by fiscal policy, *i.e.*, by income taxation and compulsory and voluntary savings, but the most important measures are in the field of direct control. All wages and salaries are now stabilized by Orders-in-Council which were first introduced in comprehensive form in the fall of 1941. Increased profits are prevented by the excess profits tax.

At the same time, the payment of minimum wage rates continues to be enforced under both Dominion and provincial legislation. The Dominion Government's Fair Wages Policy applying to Government contracts has increased in importance with the increase in the number of Government contracts, but minimum wage orders under provincial legislation are still in effect and the rates set by them take precedence over Dominion rates whenever they are higher. In addition, the Dominion has made provision for the protection of the health of workers in plants with war contracts.

The Government has also made every effort to reduce lost time caused by industrial disputes, both by expanding its conciliation staff and by extending the application of the Industrial Disputes Investigation Act to all war industries. Finally, the problem of post-war reconstruction has been under consideration since the beginning of the war, and specific measures have already been passed in regard to the re-establishment of persons discharged from the armed forces.

### I—MINISTER'S CONSULTATIVE COMMITTEE

On June 19, 1940, the National Labour Supply Council, consisting of employers' and workers' representatives, was established "to advise on any matters touching labour supply for industry which may be referred to it by the Minister of Labour." This Council, which was consulted by the Minister on a wide range of subjects and was



invited to proffer recommendations on any matter concerning labour, was abolished on February 24, 1942.

The Minister was authorized, however, by an Order-in-Council of May 27, 1942, (P.C.26/4430) "to call into conference representatives of such organizations from time to time as may seem desirable" and authority was granted for the payment of the travelling expenses of any persons so called. He therefore set up a Consultative Committee on Labour Matters consisting of employers' and workers' panels which he consults either jointly or separately. The members, whom he appointed on the recommendation of the associations they represent, are as follows:

Canadian Manufacturers' Association: F. A. Sherman, Dominion Foundries and Steel, Hamilton; J. C. Macfarlane, K.C., Canadian General Electric Co., Toronto; H. R. Wake, Aluminum Company of Canada, Montreal.

Canadian Chamber of Commerce: H. H. Bishop, Robert Simpson Co., Toronto; L. W. Townsend, Bank of Montreal, Montreal.

Canadian Construction Association: H. P. Frid, Frid Construction Co., Hamilton.

Ontario Mining Association: H. C. McCloskey, Toronto.

Trades and Labour Congress of Canada: A. D'Aoust, Secretary-Treasurer; Arthur J. Crawford, Sheet Metal Workers' International Association; Jas. Somerville, Montreal.

Canadian Congress of Labour: A. R. Mosher, President; Patrick Conroy, Secretary-Treasurer.

Federation of Catholic Workers of Canada: G. A. Gagnon, National Catholic Federation of Printing Trades.

Railway Running Trades: A. J. Kelly, Brotherhood of Railway Trainmen.

## II—INDUSTRIAL RELATIONS

In June, 1940, the Dominion Government in a formal statement approved certain principles which it considered to be basic to the maintenance of good industrial relations in wartime. Several months before this—in fact, as the first important labour measure passed after the outbreak of war—the Government took steps to provide additional machinery for settling disputes in war industries by extending the application of the Industrial Disputes Investigation Act to such industries. In June and September, 1941, two measures were adopted which were designed to improve the operation of the Act, while in December, 1942, an Order-in-Council was passed relating to freedom of association, collective bargaining and industrial disputes in "Crown Companies." Steps have been taken to protect persons legally on strike from the operation of certain of the Defence of Canada Regulations. The construction industry has been encouraged to regulate labour conditions in the industry through national and regional committees of employers and workers. Finally, the Government has promoted the training of personnel managers for all medium and large-sized industrial establishments.

Under the Conciliation and Labour Act the Department of Labour offers the services of conciliation officers to assist in settling disputes.

### Declaration of Principles

The principles for the regulation of labour conditions during the war which were incorporated by the Government in an Order-in-Council of June 19, 1940, include, among other things, the establishment of fair and reasonable standards of wages and other conditions, no undue extension of hours but a shift system where possible, every precaution to ensure safe and healthful conditions of work, the right of workmen to organize in trade unions and to bargain collectively with their employers, the settlement of disputes by negotiation or with the assistance of the Government conciliation services or under the provisions of the Industrial Disputes Investigation Act, and the provision in collective agreements of machinery for adjusting grievances.

P.C. 2685, June 19, 1940.—[Minute of the Committee of the Privy Council, approved.] The Committee of the Privy Council have had before them a report, dated June 15, 1940, from the Minister of Labour, representing as follows:—

The Government has received from repre-

sentative bodies of industry and of labour expressions of their desire to co-operate with the Government in the present crisis to the end that the industrial capacity of Canada requisite to the successful prosecution of the war may be utilized to the fullest possible extent.

The establishment and maintenance of good relations between firms engaged in the execution of war contracts, and the production of necessary materials therefor and their workpeople is of the utmost importance at this time, and the same is true indeed of the operations of distributive agencies and of services required to meet the needs of the civil population. In wartime the safety of the nation must be the first consideration of all patriotic citizens and no element in the community can be permitted to benefit from wartime necessities. The best interests of industry and labour are inseparable and since organized society alone makes possible industrial production to the mutual benefit of those engaged therein, the needs of the community at large, especially under war conditions, must be regarded as paramount.

The development of Canada's war effort has not been hampered to date by the occurrence of any serious labour troubles, and means have happily been found, through negotiation, conciliation and enquiry, of dealing effectively with any disputes as to wage rates and working hours which have arisen. While the causes of industrial unrest have not thus far arisen from the war, they might well be accentuated by it. It is clear that any differences that might arise would extend beyond wage scales or hours of labour and include the right of association in labour bodies and the right of organized workpeople to enter into collective agreements through which they may be expected to exercise a more organic influence on the processes of industrial life; all of them aspirations which, under wise direction, will make for the removal of prejudice and for fuller co-operation between employers and employed. Statutory provisions have been made since the outbreak of hostilities to obviate the making of undue profits on war work, and the operation of the Wartime Prices and Trade Board is designed to safeguard the interests of the consuming public against undue enhancement of the prices of the necessities of life.

The policy is reaffirmed which was previously announced by the Prime Minister of Canada, that the full weight of the Government's power will be exerted to prevent the exploitation of wartime needs by any form of profiteering.

It would conduce to the removal of misunderstandings and to the extension of common interests and national purpose were a declaration to be made by the Government at this time of certain principles for the regulation of labour conditions during the war, the acceptance of which by employers and workpeople would make for the avoidance of industrial strife and the utmost acceleration possible in the production which is so essential in present circumstances.

The Committee, on the recommendation of the Minister of Labour, advise, with respect to the foregoing, that the following principles for the avoidance of labour unrest during the war be approved:—

1. That every effort should be made to

speed production by war industries;

2. That fair and reasonable standards of wages and working conditions should be recognized and that where any temporary adjustments in remuneration are made, due to war conditions, they might well be in the form of bonus payments;
3. That hours of work should not be unduly extended but that where increased output is desired it should be secured as far as practicable by the adoption of additional shifts throughout the week, experience during the last war having shown that an undue lengthening of working hours results in excessive fatigue and in a diminution of output;
4. That established safeguards and regulations for the protection of the health and safety of the workers should not be relaxed, but that every precaution should be taken to ensure safe and healthful conditions of work;
5. That there should be no interruption in productive or distributive operations on account of strikes or lockouts. Where any difference arises which cannot be settled by negotiation between the parties, assistance in effecting a settlement should be sought from the Government conciliation services, and failing settlement of the difference in this manner, it should be dealt with in accordance with the provisions of the Industrial Disputes Investigation Act, which has been extended under the War Measures Act to apply specifically to all war work;
6. That employees should be free to organize in trade unions, free from any control by employers or their agents. In this connection attention is directed to Section 11 of the provisions of Chapter 30, 3 George VI, an Act to Amend the Criminal Code, under which it is declared to be an offence, subject to prescribed penalties, for any employer or his agent wrongfully and without lawful authority to refuse to employ, or to dismiss from employment, any person because of his membership in a lawful trade union, or to use intimidation to prevent a workman from belonging to a trade union, or to conspire with other employers to do either of such acts;
7. That employees, through the officers of their trade union or through other representatives chosen by them, should be free to negotiate with employers or the representatives of employers' associations concerning rates of pay, hours of labour and other working conditions, with a view to the conclusion of a collective agreement;
8. That every collective agreement should provide machinery for the settlement of disputes arising out of the agreement, and for its renewal or revision, and that both parties should scrupulously observe the terms and conditions of any agreement into which they have entered;
9. That workers, in the exercise of their right to organize, should use neither



coercion nor intimidation of any kind to influence any person to join their organization;

10. That any suspension which may be made of labour conditions established by law, agreement or usage, requisite to the speeding of wartime production, should be brought about by mutual agreement and should be understood as applying only for the period of emergency.

The foregoing declaration by the Government of principles for the regulation of labour conditions during the war is necessarily subject to the provisions of any enactment by the Parliament of Canada or made under its authority for the purpose of meeting any special emergency whereby the national safety of

Canada has become endangered.

The Committee further advise that the attention of employers in meeting their requirements as to labour supply be drawn to the available facilities of the local offices of the Employment Service of Canada in all of the provinces, where thousands of skilled and semi-skilled workers whose training and experience qualify them for war work and employment in industry generally have already been registered, and that advantage be taken of this service to the fullest possible extent.

Many employers have established contacts with trade unions in meeting their requirements as to labour supply, and the Minister of Labour is of opinion that the more general adoption of this practice would assist in the avoidance of unnecessary labour shortage.

### Industrial Disputes Investigation Act

The Industrial Disputes Investigation Act normally applies to mines, transport and communication facilities and gas, electric, water and power works. Where disputes in these industries are within provincial jurisdiction, the Act applies by virtue of provincial legislation. Before the war it was in effect in all provinces except British Columbia and Prince Edward Island where it applied only to certain classes of transport and communication agencies.

It provides that whenever there is a dispute which threatens to cause a stoppage of work, the Minister of Labour, on the application of either party or of the municipality concerned, or on his own motion, may refer such dispute to a Board of Conciliation and Investigation. The Board consists of three members, one nominated by the employer, one by the workers and the third by the other two nominees, or failing agreement between them, by the Minister. It investigates the dispute, secures a settlement if possible and, if not, makes a report to the Minister, which is published, containing recommendations for settlement "according to the merits and substantial justice of the case."

On November 7, 1939, the Act was extended to cover defence projects and all industries producing munitions and war supplies. "Supplies" includes any articles which in the opinion of the Minister of Labour are essential to the community in war. Coal and metallic ore mining are among the industries which the Minister has declared to be engaged in the production of supplies as so defined. As a result, British Columbia mines, which unlike mines in other provinces are not normally under the Act, have been brought within its scope.

This extension of the Act together with the expansion of industrial activity resulted in a marked increase in the number of applications for Boards, many of which had reference to disputes where the appointment of a Board appeared not to be warranted. To take care of such cases and to effect prompt settlements wherever possible an Order-in-Council has been passed authorizing the appointment of Industrial Disputes Inquiry Commissions to make preliminary investigations of disputes. Originally, a Commission was to consist of three members, but an amending Order provides that a Commission may consist of one or more members and that each member has the powers of a Commissioner under the Inquiries Act. This amendment also imposes on a Commission the duty, under direction of the Minister, of examining allegations regarding discrimination against workers for trade union activity or coercion of workers into joining or refraining from joining trade unions. Another amendment permits the Minister to appoint a Commission to inquire into any situation which appears to him to be detrimental to the most effective use of labour in the war.

The Act makes it unlawful to declare a lockout or to go on strike until a report has been made to the Minister by a Board of Conciliation and Investigation. An Order-in-Council of September, 1941, makes it unlawful to go on strike even after a Board has reported unless in a vote conducted by the Department of Labour a majority of

the workers who in the Minister's opinion are affected by the dispute, indicate that they are in favour of a strike. Instructions have been drawn up for the guidance of returning officers and scrutineers conducting votes.

### Extension of Act

P.C. 3495, Nov. 7, 1939, amended by P.C. 1708, Mar. 10, 1941.—His Excellency the Governor-General-in-Council, on the recommendation of the Minister of Labour and under and in virtue of the War Measures Act (Chap. 206, R.S.C., 1927), is pleased to order and it is hereby ordered that the provisions of the Industrial Disputes Investigation Act (Chap. 112, R.S.C., 1927), other than section 64 thereof, shall specifically apply in respect of any dispute between employers and employed engaged in the construction, execution, production, repairing, manufacture, transportation, storage or delivery of munitions of war or supplies, and in respect also of the construction, remodelling, repair or demolition of defence projects, as hereinafter respectively defined. (Amended, P.C. 1708.)

His Excellency-in-Council is hereby further pleased to order that in and for the purposes of this Order,

- (a) "munitions of war" means arms, ammunition, implements of war, naval, military or air stores, or any articles deemed capable of being converted thereinto, or made useful in the production thereof, intended for the use of His Majesty's naval, military or air forces or for the use of the forces of any of His Majesty's allies in the present war; (Amended, P.C. 1708.)
- (b) "supplies" includes materials, equipment, ships, aircraft, automotive vehicles, goods, stores and articles or commodities of every kind required or intended for war purposes including, but not restricting the generality of the foregoing (i) articles and equipment which, in the opinion of the Minister of Labour, would be essential for the needs of the Government or of the community in war; and (ii) anything which, in the opinion of the Minister of Labour, is, or is likely to be necessary for or in connection with the production, storage or supply of any such article as aforesaid\*; (Amended, P.C. 1708.)
- (c) "defence projects" includes the construction, erection, repair, improvement or extension of buildings, aerodromes, airports, dockyards, roads, defence fortifications or other naval, military or air force works.

### Industrial Disputes Inquiry Commission

P.C. 4020, June 6, 1941, amended by P.C. 4844, July 2, 1941, P.C. 7068, Sept. 10, 1941, P.C. 496, Jan. 19, 1943, and P.C. 4175, May 20,

1943.—Whereas the Minister of Labour reports that the extension of the Industrial Disputes Investigation Act to war industries has necessarily resulted in a marked increase in the number of applications for Boards of Conciliation and Investigation; and

That a number of such applications may have reference to disputes of a nature *prima facie* as not to warrant the appointment of a Board of Conciliation and Investigation;

Therefore, His Excellency the Governor-General-in-Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act (Chap. 206, R.S.C., 1927) is pleased to order and it is hereby ordered as follows:—

1. When in any industry to which the Industrial Disputes Investigation Act, as extended by P.C. 3495 and P.C. 1708, applies, a strike or lockout has occurred or seems to the Minister of Labour to be imminent and whether or not a Board of Conciliation and Investigation has been applied for and whether or not either of the parties to the dispute has submitted a declaration that, failing an adjustment of the dispute, a lockout or strike will be declared, and whether or not authority to declare such lockout or strike has been obtained, as required by section 16 (2) of the Industrial Disputes Investigation Act, the Minister of Labour may refer the dispute to a tribunal to be designated as an Industrial Disputes Inquiry Commission, which shall make a preliminary investigation into the dispute promptly and, if a mutually satisfactory adjustment is not arrived at, shall advise the Minister on the matters at issue and whether the circumstances warrant the appointment of a Board of Conciliation and Investigation under the provisions of the Industrial Disputes Investigation Act, provided, however, that the Commission shall not offer any opinion as to the merits or substantial justice of such features of the case as may have to be submitted to a Board of Conciliation and Investigation.

2. An Industrial Disputes Inquiry Commission shall consist of one or more members appointed by the Minister of Labour and each member thereof shall have the full powers of a Commissioner under the provisions of the Inquiries Act, and may in the above circumstances inquire into any such dispute, lockout or strike or into any matters or circumstances connected therewith referred to such Commission by the Minister. (Amended, P.C. 4844.)

3. The members of an Industrial Disputes Inquiry Commission shall be remunerated for their services in accordance with the provisions of Section 52 of the Industrial Disputes Investigation Act.

4. All charges and expenses incurred by the Government in connection with the administration of these provisions shall be defrayed out of the appropriations provided by Parlia-

\* The following industries have been declared by the Minister to be producing "supplies": coal and metallic ore mining (March 31, 1941), pulp and paper (April 10, 1941), bank note, stamp and engraving industry (May 2, 1941), and West Kootenay Power and Light Company (Sept. 13, 1941).



ment for the administration of the Industrial Disputes Investigation Act.

5. (1) An Industrial Disputes Inquiry Commission shall, upon direction of the Minister of Labour, examine into any allegation that any person has been discharged or discriminated against for the reason that he is a member of or is working on behalf of a trade union or that any person has been improperly coerced or has been intimidated to induce him to join a trade union and, failing settlement of the matters at issue, shall forthwith report its findings and recommendations to the Minister of Labour. The Minister shall issue whatever order he deems necessary to effect such recommendations and such order shall be final and binding upon the employer and employees and any other person concerned. (P.C. 4844; amended, P.C. 7068.)

(2) Any person refusing or failing to comply with an order of the Minister made under this section, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding five hundred dollars for every day that such refusal or failure to comply continues. (P.C. 4175.)

6. Nothing in the foregoing shall be construed to give employees the right to work for or to attempt to organize a union in their working hours at the place of their employment. (P.C. 4844; amended, P.C. 7068.)

7. The provisions of Sections 57 and 59 of the Industrial Disputes Investigation Act shall apply with respect to any strike or lockout pending investigation by an Industrial Disputes Inquiry Commission. (P.C. 4844.)

8. The Minister of Labour may appoint an Industrial Disputes Inquiry Commission for the purpose of investigating any situation which in his opinion appears to be detrimental to the most effective utilization of labour in the war effort. The Commission shall report its findings and recommendations to the Minister of Labour who may take such steps as he deems necessary and desirable to effect such recommendations. (P.C. 496.)

### Restriction on Right to Strike

P.C. 7307, Sept. 16, 1941, amended by P.C. 8821, Nov. 13, 1941.—Whereas it is provided in the Industrial Disputes Investigation Act that the relations of the parties to a dispute shall remain unchanged pending proceedings before a board and until a copy of the Board's report has been delivered through the Registrar to both of the parties affected;

And whereas by Order-in-Council P.C. 3495, of November 7, 1939, as amended by Order-in-Council P.C. 1708, of March 10, 1941, the provisions of the aforesaid Act were extended to disputes between employers and employed

engaged in the production of munitions of war and supplies and the execution of defence projects;

Therefore, with a view to the avoidance of industrial strife and to the end that the industrial capacity of Canada requisite to the successful prosecution of the war may be utilized to the fullest possible extent, The Deputy of His Excellency the Governor-General-in-Council, on the recommendation of the Minister of Labour and under and by virtue of the powers conferred by the War Measures Act, Chapter 206, R.S.C., 1927, is pleased to make the following regulations and they are hereby made and established accordingly:—

1. In any case in which a Board of Conciliation and Investigation has submitted its findings to the Minister of Labour and certified copies of the same have been delivered to both parties to the dispute, no strike shall take place except subject to and in accordance with the provisions of these regulations.

2. If it be the desire of the employees to strike or to take a strike vote, they shall before going on strike or taking a strike vote notify the Minister that such is their desire, and upon receipt of any such notice if the Minister is of opinion that a cessation of work would interfere with the efficient prosecution of the war, he may order or direct that a strike vote be taken under the supervision of the Department of Labour upon and subject to such provisions, conditions, restrictions or stipulations as he may make or impose.

3. In any case in which the Minister makes an order or direction as aforesaid, all employees who in his opinion are affected by the dispute shall be entitled to vote and the voting shall take place within five days from the day upon which the Minister received notice that the employees desired to take a strike vote. (Amended, P.C. 8821.)

4. Unless a majority of the ballots of those entitled to vote are cast in favour of a strike it shall be unlawful for any employee to go on strike.

5. Any employee who goes on strike contrary to the provisions of these Regulations and any person who contravenes or fails to comply with any of these Regulations or any order or direction made or given by the Minister thereunder, or who incites, encourages or aids in any manner any employee to go or continue on strike, or any person to contravene or fail to comply with any of these Regulations or any order or direction of the Minister thereunder, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars to or imprisonment for a term not exceeding twelve months, or to both fine and imprisonment.

### Miscellaneous

An Order-in-Council of December 1, 1942, declares that employees of "Crown Companies" are free to belong to trade unions and prohibits any officer of such a company from taking part in or interfering with the activities of a union or from discriminating against a worker for union membership. A collective agreement may be negotiated with the representatives of any union whose membership includes a majority of the company's employees or a majority of the workers in one or more of

its plants or in a single craft. Any dispute as to whether the workers' representatives are properly chosen representatives of a trade union, as to the number of workers who belong to the union or as to the appropriateness for collective bargaining of a given department, craft or trade, is to be determined by the Minister of Labour who may refer it to an Industrial Disputes Inquiry Commission (p. 10). Other disputes fall within the scope of the Industrial Disputes Investigation Act.

Certain Defence of Canada Regulations which might be interpreted as directed against picketing or participation in a lawful strike contain clauses clearly excluding such acts from their application. Another Order-in-Council authorized Government financial assistance in connection with a national joint conference in the construction industry while still another provides for courses of instruction in personnel management.

### Crown Companies

P.C. 10802, Dec. 1, 1942.—Whereas the Minister of Labour represents that the improvement of relations between employers and employees is of vital importance in accelerating the production of war supplies and munitions of war and in leading to the full support of the national war effort by the work people of Canada in all branches of industry;

And whereas by Order-in-Council P.C. 2685 [p. 7], dated June 19, 1940, certain principles for the avoidance of industrial unrest were approved . . .

And whereas the Government of Canada has caused certain corporations to be incorporated to act as agents of His Majesty in the production of certain war supplies or of munitions of war or in the furnishing of certain necessary services or in connection therewith has assumed sole and direct control over the operations of certain corporations, in whole or in part;

And whereas it is deemed advisable for the welfare of Canada, by reason of the state of war now existing . . . to make provision for the application of the principles set out above in respect of such corporations or operations;

Now, therefore, His Excellency the Governor-General-in-Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, chapter 206, Revised Statutes of Canada, 1927, is pleased to order and doth hereby order as follows:—

1. In this Order, unless the context otherwise requires,

- (a) "Crown company" means any corporation, engaged in the manufacture of war materials, having a share capital the majority of the shares of which are held by or on behalf of His Majesty and any corporation having a share capital, in respect of any plant or establishment or part thereof the operations of which are wholly and directly controlled by an officer of His Majesty for a period exceeding three months;
- (b) "employee of a Crown company" means any person employed by a Crown company to do any skilled or unskilled manual, clerical or technical work;
- (c) "trade union" means any combination of employees formed for the purpose of regulating relations between employers and employees, but shall not include any such

combination which denies membership to any person on the grounds of citizenship, nationality, race, creed or colour.

2. Any employee of a Crown company shall be free to join or to continue membership in a trade union and to participate in the administration and lawful activities of a trade union.

3. Nothing in this Order shall be construed in any way to authorize an employee of a Crown company in the exercise of the right to join or to organize a trade union, to use either coercion or intimidation of any kind to influence any person to join or to abstain from joining a trade union, or to work for or to attempt to organize a trade union in working hours at his place of employment.

4. No officer, agent or other employee of a Crown company shall, while acting on behalf of the company, participate in or in any manner interfere with the formation or operation of a trade union.

5. No Crown company, or officer or agent thereof acting on behalf of the Company, shall refuse to employ any person or shall dismiss or threaten to dismiss any employee of such company for the reason that such person or employee is a member of a trade union and no Crown company or officer or agent thereof shall seek by intimidation or by threats or by the imposition of any pecuniary or other penalty to compel any employee to abstain from becoming or continuing to be a member of a trade union.

6. A Crown company or officer or agent thereof may negotiate with any of its employees with a view to the conclusion of a collective agreement covering the employees of such company whom they represent provided that the employees participating in the negotiations are the properly chosen representatives of a trade union to which the majority of the employees of such company belong or to which the majority of its employees in its plant or in any of its plants or in any department of a plant or in any trade or craft which is appropriate for collective bargaining purposes, belong, whether or not such representatives are accompanied by persons not employees of the company who are representatives of a trade union of which the employees' union is a part; but no Crown company shall enter into any collective agreement any provisions of which in the opinion of the Minister of Labour will have the effect of restricting or hampering productive output except in so far as is necessary for the protection of the safety and health of the employees.



7. Any difference between a Crown company and its employees as to whether any persons are properly chosen representatives of a trade union, or as to the number of employees in a plant, department of a plant, craft or trade who are members of a trade union or as to whether any such department, craft or trade is appropriate for collective bargaining purposes shall be determined by the Minister of Labour who may refer such difference to an Industrial Disputes Inquiry Commission appointed pursuant to the provisions of Order-in-Council P.C. 4020, dated June 6, 1941, as amended.

8. Where any difference arises between a Crown company and its employees, other than a difference which in the opinion of the Minister of Labour is a difference of the nature described in section seven of this Order, the provisions of the Industrial Disputes Investigation Act, except sub-sections (e) and (f) of section two and section sixty-four thereof and of all Orders-in-Council applicable in respect of disputes within the scope of that Act shall, in so far as such difference constitutes a dispute within the scope of that Act, be applicable thereto.

9. Nothing in this Order shall be deemed to limit or restrict in any way the operation of the provisions of The Wartime Wages Control Order, Order-in-Council P.C. 5963, dated July 10, 1942 [p. 15].

### Defence of Canada Regulations

P.C. 8862, Oct. 13, 1942.—[Establishes the Defence of Canada Regulations (Consolidation) 1942. Regulation 6 prohibits trespassing on or loitering near premises used for the performance of essential services or for the purposes of His Majesty's service or in the vicinity of a protected place. Regulation 21 empowers the Minister of Justice to order any person to be detained or restricted in his business, movements, association with others, dissemination of information or possession or use of any specified articles. Regulation 27 forbids acts intended to impair the efficiency of any vessel, aircraft, vehicle or machinery used for the purposes of His Majesty's forces or for the performance of essential services, and Regulation 29 forbids acts likely to interfere with the performance of their duty by members of the forces or by persons engaged in the operation of essential services. Regulation 51A authorizes measures to be taken to suppress any riot or other act which in the opinion of the Minister of Munitions and Supply threatens war production while Regulation 51B provides a penalty for any person engaged in war production who does any act which is likely to interfere with that production.]

[All these Regulations contain the proviso that they do not apply in the case of a person who is merely taking part in or peacefully persuading others to take part in a lawful strike.]

### National Joint Conference of Construction Industry

P.C. 868, Feb. 5, 1941.—[Refers to the desire of employers and workers "to confer in an effort to establish principles and create machinery to govern conditions in their own industry under war conditions," and authorizes payment by the Government of the expenditure incurred in holding such a conference, up to \$7,500.]

[The Conference established a National Joint Conference Board and the Board has assisted local organizations in setting up zone committees. These committees, acting under the Board, make any adjustments made necessary by the war in the hours of labour and other working conditions established by law, agreement or custom. Wage adjustments are governed by the Wartime Wages Control Order (sec. 61, p. 26). Disputes which cannot be settled by the zone committees or other local arbitration machinery are referred immediately to the National Board. The Board and committees have also facilitated the transfer of workers from one zone to another.]

### Training of Personnel Managers

P.C. 26/1840, Mar. 10, 1942.—[Was passed to encourage the creation of personnel departments in industrial establishments (and thus to promote fuller co-operation between employers and workers) by facilitating the training of suitably qualified persons in the fundamental principles and practice of personnel management. The Minister of Labour was authorized to appoint a Director of Personnel Training who was given the duty of developing plans for the promotion of sound personnel management primarily in war industries. In furtherance of such plans the Minister of Labour was authorized to enter into agreements with universities whereby the latter would offer practical courses in personnel management to selected applicants. The Department of Labour defrays the cost of such courses and also the out-of-pocket expenses of candidates. The Minister was also authorized to appoint without remuneration experienced personnel managers to act as consultants to less experienced men.]

[W. H. Clare Seeley was appointed Director of Personnel Training on April 1, 1942. Numerous courses have been completed in various universities and others are in progress.]

## III—WAGES AND HOURS

The principal measures in this field relate to the control of wages and salaries and the payment of "fair wages" on Government contracts.

The control of wages and salaries is part of a comprehensive policy to combat the inflationary tendencies which develop in wartime when purchasing power is increasing with the rise in employment and individual earnings while the volume of consumers' goods is severely limited due to the diversion of productive resources to war uses. Other aspects of this policy are price control, which was introduced immediately after

the outbreak of war and now covers all commodities, increased taxes on personal incomes and profits, the encouragement of voluntary saving and the introduction of compulsory saving. The wage control policy was introduced in comprehensive form towards the end of 1941. A National War Labour Board was set up at that time and, though its composition has been changed, it still administers the policy. Its duties include that of investigating and authorizing any adjustments in wage rates which may be necessary, but in some cases, where the problem of adjustment was particularly complex or where exceptions to the general policy were necessary, special Orders-in-Council have been passed.

The prevention of uncontrolled increases in wages, however, is only one side of the wartime wages policy. The National War Labour Board also has power to require that depressed wage rates be raised to fair and reasonable levels. Moreover, the pre-war policy of requiring the payment of fair wages for work on Dominion Government contracts is still in effect and has been adapted to war conditions in the following ways: a detailed procedure has been set forth for the investigation and settlement of claims for the payment of the wages fixed for construction contracts, the minimum wages payable on contracts for the manufacture of equipment and supplies have been raised, the administration of the entire policy has been placed in the hands of the National War Labour Board, and inspectors have been appointed, with the co-operation of the provinces, for the enforcement of both the fair wages and wage control policies. The provincial minimum wage legislation also remains in effect.

No general measures have been passed relating to hours of labour, but the Government's declaration of principles (p. 7) recommends that hours should not be unduly extended, and the hours provisions which were in effect before the war for work on Government contracts and formed part of the fair wages policy, have been retained. A policy regarding the observance of public holidays has been enunciated for the guidance of employers and workers and the hours of work of employees of the Public Service of Canada have been extended.

### General Wage Control Measures

The first measure relating to the control of wages was Order-in-Council P.C. 7440 of December 16, 1940, but this Order merely set forth a policy to be followed by Boards of Conciliation and Investigation in their recommendations on wages. When a comprehensive price-control policy was introduced, P.C. 7440 was replaced by the Wartime Wages and Cost of Living Bonus Order (October 24, 1941) which stabilized all wage rates at the level in effect on November 15, 1941.

This Order was in turn replaced by the Wartime Wages Control Order which amplified its provisions in several important respects. The latter Order as amended is now in effect and it applies, with minor exceptions, to all employers in respect of employees who are paid at a rate of less than \$175 per month or who are not above the rank of foreman. It is administered by the National War Labour Board which was originally set up under the Wages and Cost of Living Bonus Order but has recently been reconstituted. Matters of purely regional significance are dealt with by nine Regional War Labour Boards.

An employer may not decrease a wage rate or range of wages rates in effect on November 15, 1941, and, except with the authorization of the National Board, he may not increase any such rate or range of rates. Authorization is also necessary before he may convert rates calculated on a time or commission basis to rates calculated on an incentive basis or vice versa. Special authorization is unnecessary, however, if a rate is raised or lowered within the limits of a range in effect on November 15, 1941, or upon the promotion or demotion of a worker to an occupational classification established on or before that date. It is also unnecessary if a rate is changed in accordance with an addition, removal or alteration of a work element forming part of the operation performed by the worker, provided that the labour cost of the operation is not increased.

A cost of living bonus was payable under the Wages and Cost of Living Bonus



Order and it continues to be payable under the Wages Control Order. It is adjusted quarterly in accordance with orders issued by the National Board. The Board must calculate the adjustments to be made in the following manner: for each rise or fall of one point in the cost of living index of the Dominion Bureau of Statistics, the bonus must be increased by 25 cents per week in the case of adult male employees and all other employees receiving \$25 per week or more, and by one per cent of the basic weekly wage rate in the case of men under 21 and women who receive less than \$25 per week.

To enforce the wages stabilization and fair wages policies (p. 34) a co-operative scheme has been worked out between the Dominion and provincial Labour Departments whereby the inspection staffs of the latter are used. The scheme was first put into effect by an Order-in-Council of July 22, 1941, but at that time it applied only to the fair wages conditions on Government contracts since the wages stabilization policy was still not mandatory. After the issuance of the Wartime Wages and Cost of Living Bonus Order, however, the Dominion Minister of Labour was authorized to appoint provincial officials and others as inspectors for both the wages control and fair wages policies.

### Wartime Wages Control Order

P.C. 5963, July 10, 1942, amended by P.C. 11096, Dec. 8, 1942, P.C. 1141, Feb. 11, 1943, and P.C. 2370, Mar. 23, 1943.—Whereas by the Wartime Wages and Cost of Living Bonus Order (Order-in-Council P.C. 8253 dated October 24, 1941) provision was made for the establishment of the National War Labour Board and of Regional War Labour Boards and for the stabilization of wage rates and for the payment of a cost of living bonus;

And whereas certain amendments have from time to time been made to the said Order;

And whereas the Minister of Labour reports that the National War Labour Board has reported to him that it is of opinion from its experience in the administration of the said Order that it is desirable further to amend the said Order to make provision for certain matters not therein dealt with;

That the National War Labour Board further reports that it is of opinion that it is desirable to revise certain of the existing provisions of the said Order;

That the National War Labour Board recommends that it is in the interest of employers and employees in Canada to revoke the said Order and to enact a new Order to be known as "The Wartime Wages Control Order" containing all such amendments and revisions;

That the said consolidation has been reviewed by the consultative committee to the Minister of Labour on matters of labour policy appointed pursuant to Order-in-Council P.C. 26/4430 dated May 27, 1942 [p. 6]; and

That he is of opinion that it is advisable for the security, peace, order and welfare of Canada so to amend, revise and consolidate the said Order.

Now, therefore, His Excellency the Governor-General-in-Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, is pleased to order as follows:

1. The Wartime Wages and Cost of Living Bonus Order established by Order-in-Council P.C. 8253 of October 24, 1941, as amended, is hereby revoked effective on and from the coming into force of the Wartime Wages Control Order as provided in paragraph 4 hereof.

2. The attached Wartime Wages Control Order containing sections numbered 1 to 64 inclusive is hereby made and established in substitution for the said Order hereby revoked.

3. All orders, directions, declarations and by-laws made under the Wartime Wages and Cost of Living Bonus Order, hereby revoked, shall continue in force insofar as they are not inconsistent with the provisions of the Wartime Wages Control Order until they are revoked, varied or extended under the provisions of the said Wartime Wages Control Order.

4. The said Wartime Wages Control Order shall come into force and have effect on and after the date of its publication in the *Canada Gazette*.\*

### ORDER

1. This Order may be cited as the Wartime Wages Control Order.

### PART I: ADMINISTRATION

#### *Constitution of the National War Labour Board*

2. (1) There shall be a National War Labour Board consisting of three members (hereinafter referred to as the National Board) to be composed of The Honourable Mr. Justice C. P. McTague, of the City of Toronto, and The Honourable J. J. Bench, of the City of St. Catharines, King's Counsel†, and Mr. J. L. Cohen, of the City of Toronto, King's Counsel. The Honourable Mr. Justice C. P. McTague shall be Chairman of the National Board.

(2) The head office of the National Board shall be at Ottawa.

(3) A majority of the members of the National Board shall constitute a quorum.

\*Gazetted July 14, 1942.

†On April 29, Mr. Léon Lalonde of Montreal was appointed a member of the Board to replace the Hon. J. J. Bench who had submitted his resignation in accordance with an understanding at the time of his appointment.

(4) There shall be a National War Labour Committee of eight or more members for the purpose of consulting with and assisting the National Board, such National War Labour Committee to be appointed by the Governor-in-Council and to be selected, as to four or more of such members having regard to the interests of employers, and as to four or more of such members having regard to the interests of employees. The members of the National War Labour Board established pursuant to the Wartime Wages Control Order (Order-in-Council P.C. 5963 dated July 10, 1942), other than the Chairman and Vice-Chairman are hereby appointed members of the National War Labour Committee.\*

(5) The members of the National Board shall be paid such salaries as may be fixed by the Governor-in-Council, and such expenses as may be incurred by them in the discharge of their duties.

(6) The members of the National War Labour Committee shall be paid such salaries, per diem allowances or expenses as may be fixed by the Governor-in-Council. (P.C. 1141).

### *Staff*

3. (1) The National Board may appoint an officer to be the Chief Executive Officer of the National Board who shall be paid such salary as may be fixed by the Governor-in-Council.

(2) The Department of Labour shall furnish such technical and clerical assistance to the National Board as may be possible and the National Board, with the approval of the Governor-in-Council, may employ such other officers and employees as may be necessary for the conduct of its business and may, with such approval, fix their remuneration.

### *Powers of National Board*

4. (1) The National Board shall be charged with

- (a) the administration of this Order and Order-in-Council P.C. 7679 of the 4th October, 1941 [p. 36];
- (b) the administration of The Fair Wages and Hours of Labour Act, 1935 [p. 34];\*\*

(c) the supervision of the Regional War Labour Boards, established under the provisions of this Order; and

(d) such other duties as may be assigned to it by the Governor-in-Council or by the Minister of Labour.

(2) The National Board shall, as directed by the Minister of Labour, investigate wage conditions and labour relations in Canada and shall from time to time make such recommendations as it may deem necessary in connection therewith, having regard to the principles enunciated in Order-in-Council P.C. 2685 of the 19th June, 1940 [p. 7].

(3) The National Board is authorized to enquire and report to the Minister of Labour, from time to time as it may deem necessary or advisable, with respect to any of the matters enumerated in sub-sections (1) and (2) of this section. (Amended, P.C. 1141.)

5. (1) The National Board shall have all the powers and authority of a Commissioner appointed under Part I of the Inquiries Act, Chapter 99 of the Revised Statutes of Canada, 1927.

(2) The Chairman or any member of the National Board may administer oaths.

6. (1) The National Board with the approval of the Minister of Labour may make and from time to time alter, modify, substitute or repeal by-laws to enable it to carry into effect the purposes of this Order, including by-laws for the supervision and control of its officers, clerks and employees and to empower Regional Boards to carry out any duties or responsibilities in connection with the administration of this Order.

(2) Clauses two to six both inclusive and clause fifteen of the existing by-laws of the National Board are hereby declared to be repealed; provided that, saving and excepting such clauses two to six, both inclusive, and clause fifteen thereof, the said existing by-laws of the National Board shall be deemed to remain in full force and effect unless and until the same shall have been altered, modified, substituted or repealed in accordance with the provisions of sub-section (1) of this section six.† (P.C. 1141).

\* The members of the Committee, who were formerly employers' and workers' representatives on the Board, are:—  
Employers: A. Deschamps, Builders Exchange, Montreal; George Hodge, C.P.R.; G. Jackson, Sentinel Securities of Canada, Ltd., Toronto; H. Taylor, Canadian National Carbon Co., Ltd., Toronto.

Workers: John A. Bell, Order of Railroad Telegraphers; W. Dunn, Toronto District Labour Council; J. A. McClelland, International Association of Machinists; A. R. Mosher, Canadian Congress of Labour; Gérard Picard, Confederation of Catholic Workers of Canada.

George Hodge and J. A. McClelland, who were employers' and workers' representatives on the Executive Committee of the old Board, are now technical advisers to the new Board.

\*\* See, however, Order-in-Council P.C. 3870, p. 28.

† The by-laws relate to administration. Among other things they provide for the classification of employers as national and regional employers. Applications made under the Order by national employers are dealt with by the National Board and those made by regional employers by the appropriate Regional Boards. National employers are any employers engaged in mining, the operation of shipyards except yards constructing or repairing vessels smaller than mine-sweepers or corvettes, the operation of transport and communication lines and electrical power or transmission works extending beyond the boundaries of a single province, and any other employers designated by the National Board. All other employers are regional employers.

Any person interested in or affected by a decision or order of a Regional Board may appeal to the National Board if the Regional Board grants leave and the request for leave has been made within 30 days of the announcement of the decision, or if the National Board grants leave.

Clauses 2 to 6 and 15 governed procedure for the former National Board.



### Regional War Labour Boards

7. (1) There shall be nine Regional War Labour Boards (hereinafter referred to as Regional Boards), one for each Province, each of which shall consist of a Chairman and one or more representatives of employers and one or more representatives of employees.

(2) The Chairman of the Regional Board for each Province shall be the Minister of Labour of that Province, or if there is no such Minister, the Minister of that Province whose duties include the regulation of working conditions and related matters.

(3) The Chairman of each Regional Board may designate a person to be Vice-Chairman thereof to preside over the Regional Board in his absence.

(4) The members of each Regional Board representing the employers and employees shall be appointed by the Governor-in-Council on the recommendation of the Minister of Labour, after consultation with the Minister of Labour of the Province concerned, and with employer and employee organizations as the case may be, and shall hold office during pleasure; and the head office of each Regional Board shall be at such place as may be determined by each Regional Board.\*

(5) The majority of the members of each Regional Board shall constitute a quorum of the Regional Board.

(6) The members of the Regional Board representing the employers and the employees shall be paid such per diem allowance for expenses as may be fixed by the Governor-in-Council.

(7) Each Regional Board may appoint an executive officer to be the Chief Executive Officer of the Regional Board and such officer shall be paid such salary as may be fixed by the Governor-in-Council.

### Powers of Regional Boards

8. (1) A Regional Board shall be charged with such duties and responsibilities as may be assigned it by the National Board and shall exercise such powers under this Order as are delegated to it under the by-laws of the National Board.

(2) Where any Regional Board purports to give or make any authorization, declaration,

finding, direction, order or determination under the provisions of this Order, it shall be conclusively presumed for the purpose of any proceedings under this Order that the power to make such declaration, finding, direction, order or determination, or to give such authorization, is validly and effectively delegated to such Regional Board by the by-laws of the National Board.

(3) A Regional Board shall have all the powers and authority of a Commissioner appointed under Part I of the Inquiries Act, Chapter 99 of the Revised Statutes of Canada, 1927.

(4) The Chairman or any member of a Regional Board may administer oaths.

### Expenses

9. The administrative expenses of the National Board and of the Regional Boards, other than the salaries and usual travelling expenses of Dominion and Provincial officials, shall be paid out of the War Appropriation.

### PART II: BASIC SCALE OF WAGE RATES AND COST OF LIVING BONUS

#### Application of Order

10. This Order shall be applicable in respect of all employment in Canada by any employer, and in respect of all employees of any employer in Canada employed on board any ship, if the crew on board such ship is ordinarily engaged in ports in Canada.

11. (1) In this Order "Employer" means any person, firm or corporation employing any person and shall include His Majesty the King in right of Canada, but shall not include:

- (i) any department or agency of the Government of Canada subject to the provisions of Order-in-Council P.C. 6702 of August 26, 1941, as amended by Order-in-Council P.C. 18/1656 of March 3, 1942 [p. 29]; or
- (ii) any department, branch or portion of any Provincial Government; or
- (iii) any agent of the Crown in the right of any Province; or
- (iv) any municipality and any undertaking operated by the council or by a committee of the council of the municipality but shall include any corporation carrying on an

\* The employers' and workers' representatives on the Boards are as follows:—

*P.E.I.—Employers:* Vincent J. Leonard, Charlottetown. *Workers:* Leo. F. Corcoran, Charlottetown.  
*N.S.—Employers:* Sydney C. Mifflin, Dominion Coal Co., Ltd.; Arthur W. Schwartz, Lunenburg Foundry Co., Ltd. *Workers:* Clinton Giles, Brotherhood of Locomotive Engineers; Doane Curtis, United Steel Workers of America.  
*N.B.—Employers:* R. W. Cameron, Lumberman, Fredericton; C. Alan Beateay, Snowflake Lime Co., Ltd., St. John. *Workers:* George R. Melvin, New Brunswick Federation of Labour; R. F. Gould, Canadian Brotherhood of Railway Employees and other Transport Workers.  
*Que.—Employers:* François Faure, Consolidated Paper Corp., Ltd., Montreal; Robert McLagan, Canadian Vickers, Ltd., Montreal; Col. J. N. Dessureault, Dessureault and Co., Quebec. *Workers:* Paul N. Marquette, Canadian Congress of Labour; Philippe Lessard, National Catholic Pulp and Paper Federation; Lionel Thibeault, Boot and Shoe Workers' Union.  
*Ont.—Employers:* S. E. Dinsmore, Dinsmore-McIntire Ltd., Windsor; C. B. C. Scott, Massey-Harris Co., Ltd.; E. E. Sparrow, Imperial Varnish and Color Co., Ltd., Toronto. *Workers:* J. Cauley, Trades and Labour Congress of Canada; Joseph Corbett, Brotherhood of Railway Carmen; Elroy Robson, Canadian Congress of Labour.  
*Man.—Employers:* J. H. Parkhill, Parkhill Bedding, Ltd., Winnipeg; E. Claydon, Claydon Co., Ltd., Winnipeg. *Workers:* Fred Keeley, Trades and Labour Congress of Canada; John S. McNabb, Winnipeg Labour Council.  
*Sask.—Employers:* LeRoy Johnson, K.C., National Sodium Products, Ltd., Moose Jaw; F. E. Doull, Robert Simpson Co., Ltd., Regina. *Workers:* H. D. Davis, Brotherhood of Railway Carmen; William Ernest Brunskill, Typographical Union, Saskatoon.  
*Alta.—Employers:* Wm. Innes, Burns and Co., Ltd., Calgary; H. G. MacDonald, Edmonton. *Workers:* T. C. Thompson, Sheet Metal Workers' International Association; D. Mathieson, United Mine Workers of America.  
*B.C.—Employers:* Col. G. H. Kirkpatrick, Vancouver; Col. John F. Keen, E. J. Ryan Construction Co., Vancouver; S. G. Smith, Bloedel, Welch and Stewart, Vancouver. *Workers:* Birt Showler, Vancouver; L. Campbell, Boilermakers' and Iron Shipbuilders' Union of Canada; H. W. Mackey, Brotherhood of Locomotive Engineers.

undertaking in any municipal area, which corporation is separate from the municipality, notwithstanding that the municipality or council exercises a measure of control over such corporation; provided that if the Lieutenant-Governor-in-Council of a Province by order consents, or if a Minister of the Government of a province authorized in that behalf by the Lieutenant-Governor-in-Council of such province signifies in writing to the Minister of Labour that he consents to the application of the provisions of this Order in respect of a municipality or municipalities in such province, such municipality or such municipalities shall on and after the date of such consent be an employer or be employers respectively subject to the provisions of this Order. (Amended P.C. 11096.)

(v) any person, firm or corporation operating any hospital or any religious, charitable or educational institution or association, if such hospital or such institution or association is not carried on for purposes of gain; or

(vi) any person, firm or corporation engaged in agriculture, horticulture, fishing, hunting or trapping.

(2) If any person, firm or corporation included within the provisions of paragraphs (v) and (vi) of subsection (1) of this Section has employees engaged in other employments than those specified in such paragraphs, such person, firm or corporation shall be deemed to be an employer subject to the provisions of this Order in respect of such other employees.

12. In this Order "Employee" means any person employed by any employer under a contract of service,

(i) who receives wages or salary (excluding cost of living bonus) at a rate less than \$175 per month.

(ii) who receives wages or salary (excluding cost of living bonus) at a rate of \$175 per month or more and who is not above the rank of foreman or comparable rank,

but does not include any person employed in domestic service in a private home, or engaged in employment of a casual nature otherwise than for the purpose of the trade or business of the employer.

13. (1) For the purpose of this Order an employee in any office, factory, shop or undertaking, whether his compensation is called wages or salary,

(i) who is actually engaged in and whose principal duty is the performance of work not of a supervisory character, is below the rank of foreman or comparable rank,

(ii) who has direct supervision of the employees engaged in such work and whose duties are mainly supervisory, is a foreman or of a rank comparable to foreman

if such employee does not, in either case, discharge duties and responsibilities of an executive character.

(2) An employee receiving a salary or wages (excluding cost of living bonus) at a rate of \$250 or more a month shall be deemed, for the purposes of this Order, to be above the rank of foreman or comparable rank, unless the nature

of his duties and responsibilities or his relationship to other employees indicates clearly that he is not above the said rank.

(3) In cases of doubt or dispute with regard to the rank of an employee, or class of employees, the National Board shall declare whether such employee or such class of employees is above the rank of foreman or comparable rank for the purpose of this Order.

14. (1) The National Board may by order exclude from any of the provisions of this Order, in whole or in part, any employer or employee, or any class of employers or employees, or employers and employees in any area designated by such Board, if in the opinion of the National Board it is impracticable to administer such provisions in respect thereof, or in any other case, if, in the opinion of the National Board, it is in the public interest so to do and if the Wartime Prices and Trade Board concur.

(2) No order shall be made under this Section by a Regional Board.

### *Interpretation*

15. (1) In this Part, unless the context otherwise requires:

(i) "Basic", with reference to a scale of wage rates, means, for the purposes of this Order, such scale of wage rates exclusive of any cost of living bonus.

(ii) "Cost of Living Bonus" means a periodic supplement to wages or salary occasioned by changes in the cost of living and includes, for the purposes of this Order, any increase in wage rates granted prior to November 15, 1941, expressly in lieu of a cost of living bonus.

(iii) "National Board" includes, except where otherwise expressly provided, a Regional Board in matters and in respect of employers with respect to which the powers of the National Board under this Order are delegated to the Regional Board by the by-laws of the National Board.

(iv) "Wages" include wages, salary, commissions, gratuities, emoluments or other remuneration, including any share of profits or bonuses dependent upon the profits of the employer and all other forms of "income" as defined by Section 3 of the Income War Tax Act if such income is related to the office or position occupied by the employee, and shall include payments to persons other than the employee in respect of services rendered by the employee and also payments in kind, but shall not include a cost of living bonus.

(v) "Wage Rate" means the basis of the calculation of the wages paid to an employee whether such basis of calculation is with reference to a period of time worked or on a piece work or other incentive basis or as a commission on volume or value of result and where the basis of calculation of the wages paid to an employee is a combination of such basis of calculation, the provisions of this Order shall be applicable in respect of each such basis of calculation as if it were a separate wage rate.

(vi) "Wage rate calculated on a time or com-



mission basis" means a wage rate calculated solely on a basis of time worked or solely as a commission or calculated with respect to part thereof on a basis of time worked and with respect to the remaining part thereof as a commission.

- (vii) "Wage rate calculated on an incentive basis" means and includes any wage rate other than a wage rate calculated on a time or commission basis.

16. (1) The basic scale of wage rates paid by an employer on November 15, 1941, means for the purposes of this Order, the schedule of

- (i) ranges of wage rates paid by the employer on such date in respect of jobs, positions or occupational classifications with respect to which ranges of wage rates were paid; and
- (ii) single wage rates paid by the employer on such date in respect of jobs, positions or occupational classifications with respect to which no ranges of wage rates were paid

in respect of all jobs, positions or occupational classifications in the service of the employer on November 15, 1941, but where, by reason of the seasonal nature of a job, position or occupational classification or by reason of a temporary vacancy therein, no range of wage rates or single wage rate was, on November 15, 1941, being paid by an employer in respect thereof, a range of wage rates or a single wage rate paid by such employer in respect of such job, position or occupational classification within a period of four years prior to November 15, 1941, shall, for the purposes of this Order, be deemed to be the range of wage rates or single wage rate paid by the employer in respect of such job, position or occupational classification on such date and to form part of the basic scale of wage rates paid by such employer on November 15, 1941.

(2) Each such range of wage rates or single wage rate shall, for the purposes of this Order, be deemed to form a part of the basic scale of wage rates paid by the employer on November 15, 1941.

(3) A range of wage rates or a single wage rate set out in an employer's wage schedule on November 15, 1941, which had never been paid by him in practice shall not be deemed to form part of the basic scale of wage rates paid by such employer on November 15, 1941.

17. (1) A range of wage rates means, for the purposes of this Order, a group of two or more wage rates inclusive of the highest and lowest wage rates in such group, paid by an employer in respect of jobs or positions or an occupational classification involving the performance by the employees therein of similar work or duties and requiring a similar type and degree of skill, such wage rates varying with respect to the relative merit, skill, length of service or other matters of a like nature, of such individual employees.

(2) Subject to subsection one of section sixty-three, where a range of wage rates or a single wage rate was on November 15, 1941, established in respect of any job or position or an occupational classification under a collective agreement, such range of wage rates or single wage rate shall be recognized for the purposes of this Order.

(3) For the purpose of this Order, a range of wage rates paid in respect of jobs or positions or an occupational classification shall be deemed to be increased or decreased if a wage rate is paid to any employee in any such job, position or occupational classification in excess of or less than the highest or lowest wage rate, respectively, within such range of wage rates.

## WAGE RATES

### *Time or Commission Wage Rates*

18. No employer shall decrease a range of wage rates or a single wage rate calculated on a time or commission basis forming part of the basic scale of wage rates paid by him on November 15, 1941.

19. Except in accordance with a written direction or authorization of the National Board, heretofore or hereafter given, no employer shall increase a range of wage rates or a single wage rate calculated on a time or commission basis forming part of the basic scale of wage rates paid by him on November 15, 1941.

### *Incentive Wage Rates or Conversions*

20. Except in accordance with a written direction or authorization of the National Board, heretofore or hereafter given, or except in accordance with Section 21 hereof, no employer shall

- (i) change a range of wage rates or a single wage rate, calculated on an incentive basis, forming part of the basic scale of wage rates paid by him on November 15, 1941;
- (ii) convert a range of wage rates or a single wage rate, calculated on a time or commission basis, forming part of the basic scale of wage rates paid by him on November 15, 1941, to a range of wage rates or a single wage rate calculated on an incentive basis, or a range of wage rates or a single wage rate calculated on an incentive basis forming part of the basic scale of wage rates paid by him on November 15, 1941, to a range of wage rates or single wage rate calculated on a time or commission basis.

21. An employer may, without a direction or authorization from the National Board,

- (i) change a range of wage rates or a single wage rate, calculated on an incentive basis, forming part of the basic scale of wage rates paid by him on November 15, 1941,
  - (a) if such change is made to compensate for the addition, removal or alteration of a work element forming part of the operation, series of operations or job or position in respect of which such range of wage rates or single wage rate is paid and is commensurate with such removal, alteration or addition; and
  - (b) if that portion of the employer's cost of production representing the labour cost of such operation, series of operations or job or position is not increased; and

- (c) if a flat rate or time rate or a range of such rates is used in conjunction with a piece rate or other incentive rate in such range of wage rates or single wage rate, if such flat rate or time rate or range of such rate is not increased or decreased and is retained as part of such range of wage rates or single wage rate.
- (ii) convert a wage rate paid on November 15, 1941, calculated on a time or commission basis to a wage rate calculated on an incentive basis if the employer was, on November 15, 1941, paying wage rates calculated on such an incentive basis and if the conversion is effected in accordance with the same method of calculation followed by such employer in calculating the wage rates on such incentive basis.

#### *Inauguration of Wage Rates and New Employees*

22. Except in accordance with a written direction or authorization of the National Board heretofore or hereafter given, no employer shall,

- (i) inaugurate the payment of a range of wage rates or a single wage rate in respect of a job, position or an occupational classification not included in his employment on November 15, 1941, and in respect of which no range of wage rates or single wage rate was included in the basic scale of wage rates paid by him on November 15, 1941, or in respect of jobs, positions or occupational classifications in any new establishment or site of operations in which operations are commenced by him after such date;
- (ii) pay to an employee engaged after November 15, 1941, in a job, position or in an occupational classification, a wage rate other than the single wage rate or a wage rate within the range of wage rates, if any, forming part of the basic scale of wage rates paid by him on November 15, 1941, and so paid in respect of such job, position or such occupational classification to other employees therein of like ranking.

#### *Working Conditions*

23. (1) No employer shall alter any term of employment including any rule, regulation or practice governing the working conditions of his employees, having the effect of, or for the purpose of decreasing, directly or indirectly, a range of wage rates or a single wage rate forming part of the basic scale of wage rates paid by him on November 15, 1941.

(2) Except in accordance with a written direction or authorization of the National Board, heretofore or hereafter given, no employer shall alter any term of employment including any rule, regulation or practice governing the working conditions of his employees, having the effect of, or for the purpose of increasing, directly or indirectly, a range of wage rates or a single wage rate forming part of the basic scale of wage rates paid by him on November 15, 1941.

#### *Increases and Decreases to Individual Employees*

24. (1) An employer may, without a direction or authorization from the National Board, increase the wage rate paid to an employee

- (i) within the limits of the range of wage rates paid by the employer on November 15, 1941, or paid thereafter pursuant to a direction or authorization of the National Board, in respect of the job or position occupied by such employee or the occupational classification in which such employee is engaged; or
- (ii) upon the promotion of the employee from one job or position to another job or position or from one occupational classification to another occupational classification, if the increased wage rate is the single wage rate or is within the range of wage rates paid by the employer on November 15, 1941, or paid thereafter pursuant to a direction or authorization of the National Board, in respect of the job, position or occupational classification to which such employee is promoted.

(2) An employer may, without direction or authorization of the National War Labour Board, after consultation with an employee or his representatives, and subject to all other provisions of this Order, decrease the wage rate paid to an employee

- (i) within the limits of a range of wage rates paid by the employer on November 15, 1941, or paid thereafter pursuant to a direction or authorization of the National Board, in respect of the job or position occupied by such employee or the occupational classification in which such employee is engaged; or
- (ii) upon the demotion of the employee from one job or position to another job or position or from one occupational classification to another occupational classification, if such decreased wage rate is the single wage rate or is within the range of wage rates paid by the employer on November 15, 1941, or paid thereafter pursuant to a direction or authorization of the National Board, in respect of the job, position or occupational classification to which such employee is demoted.

#### *Powers of National Board*

25. If the National Board finds that a range of wage rates or a single wage rate forming part of the basic scale of wage rates paid by an employer on November 15, 1941, is low as compared with the ranges of wage rates or single wage rates, respectively, generally prevailing for the same or substantially similar jobs, positions or occupational classifications in the locality or in a locality which, in the opinion of the Board is comparable, it may direct such increased range of wage rates or single wage rate to be paid as it finds fair and reasonable, having regard to all circumstances deemed by it, in its discretion, to be material.

26. The National Board may authorize or direct any employer,

- (i) to change a range of wage rates or a single



wage rate calculated on an incentive basis, or,

- (ii) to convert a range of wage rates or a single wage rate calculated on a time or commission basis to a range of wage rates or a single wage rate calculated on an incentive basis or to convert a range of wage rates or a single wage rate calculated on an incentive basis to a range of wage rates or a single wage rate calculated on a time or commission basis,

if, in the opinion of the Board, such conversion or change is fair and reasonable and is consistent with this Order, having regard to all the circumstances deemed by it, in its discretion, to be material.

27. The National Board may authorize or direct an employer to inaugurate the payment of a range of wage rates or a single wage rate in respect of a job or position or an occupational classification with respect to which the employer was not paying a range of wage rates or a single wage rate as part of the basic scale of wage rates paid by him on November 15, 1941, or in respect of jobs, positions or occupational classifications in any new establishment or site of operations in which operations are commenced by the employer after such date, if such range of wage rates or single wage rate is comparable with the ranges of wage rates or the single wage rate generally prevailing for the same or substantially similar jobs or positions or occupational classifications in the locality or in a locality which, in the opinion of the Board, is comparable.\*

28. The National Board may authorize or direct an employer to inaugurate the payment of a range of wage rates in respect of a job or position or occupational classification in respect of which such employer paid, on November 15, 1941, only a single wage rate, if such range of wage rates is comparable with the ranges of wage rates generally prevailing for the same or substantially similar jobs or positions or occupational classifications in the locality or in a locality which, in the opinion of such Board, is comparable.

29. The National Board may authorize or direct an employer to alter any term of employment including any rule, regulation or practice governing the working conditions of his employees having the effect of increasing, directly or indirectly, any range of wage rates or single wage rate forming part of the basic scale of wage rates paid by such employer on November 15, 1941, if, in the opinion of the Board, such change is fair and reasonable and is consistent with the principles of this Order, having regard to all the circumstances deemed by it, in its discretion, to be material.

30. If the National Board finds that a range of wage rates or a single wage rate forming part of the basic scale of wage rates paid by an employer on November 15, 1941, is enhanced as compared with the ranges of wage rates or single wage rates generally prevailing for the same or substantially similar jobs or positions or occupational classifications in the locality or in a locality, which in the opinion of such Board is comparable, it may direct that the cost of living bonus hereinafter provided, shall be deferred in respect of employees paid in accordance with such range of wage rates or such single wage rate for such period or adjusted to such amount as it finds fair and reasonable having regard to all the circumstances deemed by it, in its discretion, to be material.

#### *Relation to Order-in-Council P.C. 7679*

31. (1) An employer shall, notwithstanding anything contained in this Order, increase a range of wage rates or a single wage rate forming part of the basic scale of wage rates paid by him on November 15, 1941, if required to do so pursuant to Order-in-Council P.C. 7679 of October 4, 1941.

(2) If Order-in-Council P.C. 7679 of October 4, 1941, ceases to be applicable in respect of an employer after November 15, 1941, the employer shall, unless otherwise directed or authorized by the National Board pursuant to this Order, restore the ranges of wage rates or single wage rate paid by him prior to such Order-in-Council becoming applicable to him, and which had been increased in accordance with it; and such ranges of wage rates or single wage rate so restored shall be deemed to form part of the basic scale of wage rates paid by him on November 15, 1941.

#### *Relation to Fair Wages and Hours of Labour Act, 1935*

32. (1) Any schedule of wage rates contained in labour conditions issued by the National Board pursuant to the provisions of the Fair Wages and Hours of Labour Act, 1935, may, if such Board deems it advisable so to do, in the place of establishing wage rates deemed by it to be fair minimum wage rates, establish ranges of wage rates deemed by it to be fair and may direct the payment of a cost of living bonus in addition to the wage rates established therein.

(2) If a range of wage rates or a single wage rate paid by an employer in respect of a job, position or occupational classification and forming part of the basic scale of wage rates paid by him on November 15, 1941, is lower than the fair minimum wage rate or range of fair wage

\* On July 15, 1942 the Board issued a Decision Bulletin regarding its "Policy with respect to the payment of wages to women, youths, or less capable or less experienced men, engaged to do work formerly done by experienced men." It is pointed out that the basic wage rate, whether a range of rates or a single rate, must be paid with respect to an occupational classification regardless of the age or sex of the individual worker, and that workers in a classification may not be paid more or less than the limits of the range or the single rate already established. If, however, an employer hires for any job labour which is less skilled than that formerly hired, he may apply for permission to establish a new classification within the occupation. If the skill required is in fact of lower grade than that required for the established classification or if it is desirable to establish a separate classification for learners, the Board will grant the application but the new rates must represent a fair and reasonable measurement of the relative skill required for the new classification.

For example, an existing classification for which time rates are being paid may be divided into a number of grades, with only the highest grades receiving the existing rates. In the case of piece rates, any change made must be directly proportional to an addition, removal or alteration of a work element, but if there is a guaranteed minimum hourly rate, a lower paid classification may be established for the guaranteed portion of the rate.

rates required to be paid by him in accordance with a schedule of wage rates issued by the National Board pursuant to the Fair Wages and Hours of Labour Act, 1935, and this Order, in respect of such job, position or occupational classification, the employer shall increase such wage rates or single wage rate in accordance with such schedule but no employer shall by reason of any such schedule decrease any range of wage rates or single wage rate forming part of the basic scale of wage rates paid by him on November 15, 1941.

(3) The provisions of this Section shall authorize an employer to increase ranges of wage rates or single wage rates forming part of the basic scale of wage rates paid by him on November 15, 1941, only in respect of jobs, positions or occupational classifications in respect of which fair minimum wage rates or ranges of fair wage rates are established by a schedule of wage rates issued pursuant to the Fair Wages and Hours of Labour Act, 1935, and during the period such schedule is applicable thereto.

(4) The National Board may, if it deems it fair and reasonable so to do, authorize the payment by an employer of a wage rate in excess of the highest wage rate in any range of wage rates established in any schedule of wage rates issued by it pursuant to the Fair Wages and Hours of Labour Act, 1935, or direct the establishment of a range or ranges of wage rates in any schedule of wage rates heretofore or hereafter issued pursuant to the Fair Wages and Hours of Labour Act, 1935, which established only minimum fair wage rates or direct the payment of a cost of living bonus in addition to such wage rates.

#### COST OF LIVING BONUS

33. (1) No employer shall increase or decrease a cost of living bonus or commence the payment of a cost of living bonus except pursuant to a general order or a direction or authorization of the National Board.

(2) Unless otherwise required by a direction of the National Board and subject to the provisions of Section 36 of this Order, every employer who is paying a cost of living bonus shall increase or decrease the amount thereof, and every employer who is not paying a cost of living bonus shall commence the payment thereof, if required to do so by a general order of the National Board.

#### *General Order by National Board*

34. (1) The National Board shall, on or before the 15th day of February, May, August and November, respectively, in each year, by a general order, fix the amount of increase or decrease, if any, required to be made in cost of living bonuses being paid by employers, or the amount of a cost of living bonus, if any, to be paid by employers who are not, at the time of such order, paying cost of living bonuses, such increase or decrease or such payment to be made commencing with the first pay-roll period beginning on or after the date specified in such order.

(2) The amount of the increase or decrease, or the amount of the cost of living bonus to be paid, shall be calculated by the National Board for the purpose of such general order in the matter hereinafter set out in respect of the rise in the cost of living index number for the month prior to such order above the cost of living index number for the month of October, 1941.

(3) The National Board may direct any employer to pay a cost of living bonus calculated on the rise in the cost of living index number above the index number for such month prior to the month of October, 1941, as such Board finds fair and reasonable, but not, in any event, earlier than the effective date of the last general increase in wage rates paid by such employer and not earlier than August, 1939, whichever is the later.

Provided that where in the opinion of the National Board, the application of this subsection has resulted in, or will result in, unequal and unfair combinations of wage rates and cost of living bonuses within an industry, it shall be within the power of the National Board to order such adjustment of the cost of living bonus through the use of a month other than as prescribed above but not earlier than August, 1939, as the National Board may determine. (Amended, P.C. 2370.)

(4) No general order shall be made under this Section by a Regional Board.

35. (1) A general order of the National Board shall state

(i) with respect to employers paying cost of living bonuses

(a) the amount of money per week by which cost of living bonuses paid to adult male employees, and to other employees employed at weekly wage rates of \$25 or more, are to be increased or decreased;

(b) the percentage of the weekly wage rates by which the cost of living bonuses paid to male employees under 21 years of age employed at weekly wage rates of less than \$25, and to female employees employed at weekly wage rates of less than \$25, shall be increased or decreased;

(ii) with respect to employers who are not paying cost of living bonuses

(a) the amount of money per week, if any, to be paid to all adult male employees and all other employees employed at weekly wage rates of \$25 or more;

(b) the percentage of the weekly wage rates, if any, to be paid to male employees under 21 years of age employed at weekly wage rates of less than \$25 and to female workers employed at weekly wage rates of less than \$25.

(2) A general order by the National Board may be published by way of advertisement in any newspaper or newspapers selected by it, and any advertisement in any newspaper purporting to contain such a general order and purporting to be inserted by the Chairman of



the National Board shall be evidence of the making by the National Board of any general order therein set out.\*

36. (1) Notwithstanding any general order of the National Board no employer shall increase a cost of living bonus being paid by him if it is in excess of a cost of living bonus properly calculated in accordance with the provisions of this Order.

(2) A cost of living bonus shall be deemed to be in excess of a cost of living bonus properly calculated in accordance with the provisions of this Order if it is in excess of a cost of living bonus calculated in accordance with the provisions of Section forty-eight of this Order, in respect of the rise in the cost of living index number for the month prior to such general order above the cost of living index number for the month preceding the month in which the last general increase in wage rates paid by the employer was made effective, or for the month of August, 1939, whichever is the later.

#### *General Provisions Relating to Payment of Cost of Living Bonus*

37. (1) For the purposes of calculating any cost of living bonus, "weekly wage rate" means in respect of a wage rate calculated on a basis of time worked, such wage rate calculated with respect to a period of a week on the normal number of working hours in such week, not including overtime, and in respect of any wage rate paid on any other basis, the average earnings of an employee in respect of work performed during the normal number of working hours in a week, not including overtime.

(2) "Overtime" in this Section and in Section 38 means the hours worked in any day in excess of the normal number of working hours in the ordinary working day established by agreement or by practice on November 15, 1941, or expressly extended on or after such date, whether or not a premium is paid in respect of work performed in such hours.

(3) Where an employer provides board or shelter or both to his employees without charge, the value of such board or shelter or both shall be included in computing the "weekly wage rate" paid to such employees.

(4) In determining the value of food or shelter or either furnished to any employee by any employer for the purposes of this Order, the following values shall be used:

	Per Week	Per Month
Food and Shelter.....	\$6.00	\$26.00
Food only.....	4.50	19.50
Shelter only.....	1.50	6.50
Individual meals or shelter one night.....		.25 each

provided that if the employer has computed the value of such food or shelter for the purposes of the National Defence Tax by some other

method and such other method of computation has been accepted by the Department of National Revenue, such other method of computation may be used for the purposes of this Order.

38. (1) No cost of living bonus shall be paid to an employee under this Order in respect of work performed or wages earned during overtime.

(2) Where an employee works less than the normal number of working hours in a week, not including overtime, the cost of living bonus paid to him in respect of such week shall be that proportion of the cost of living bonus payable with respect to the whole of such week which the number of hours, not including overtime, he actually worked, is to the normal number of working hours in the week.

(3) The National Board may with respect to any employer or any employee or any class of employers or employees direct that the cost of living bonus shall be converted into an hourly rate calculated with reference to the normal number of working hours of the employees concerned in each week, exclusive of overtime, provided that such hourly rate of bonus so calculated shall be paid only with respect to each such normal working hour actually worked and shall not be paid with respect to overtime.

(4) No direction shall be made under subsection (3) of this Section by a Regional Board.

39. A cost of living bonus shall be paid at the same time as wages payable in respect of any pay period unless it is agreed between the employer and employee that it shall be paid at some other time but not, in any event, less frequently than once in each month.

40. An employer who is required pursuant to this Order to pay a cost of living bonus to an employee shall not by reason thereof reduce the wage rate paid to such employee.

41. A cost of living bonus shall be paid to an employee in respect of a period during which the employee is on leave of absence or off duty with pay except a period of leave of absence due to occupational disability covered by a Workmen's Compensation Act or a period of leave of absence with respect to military training or service.

42. Where an employer engages an employee in a job, position or occupational classification, with respect to which such employer is paying a cost of living bonus, such employer shall pay to such employee such cost of living bonus.

#### *Directions or Authorizations by National Board as to Bonus*

43. If the National Board finds that an employer is financially unable to pay the whole or any part of a cost of living bonus payable under this Order, the Board may by a direction exempt the employer from the payment in whole or in part of such cost of living bonus on such terms and conditions as in the opinion of such Board, are fair and reasonable.

\* General orders were issued by the Board on May 6, Aug. 4, Nov. 4, 1942, Feb. 4, and May 4, 1943. Four of them provided that there would be no change in existing bonus arrangements, because the cost-of-living index had not risen by one point since the bonus had last been raised. The index for the month prior to Aug. 4, however, had risen by 2.4 points and it was provided by the order of that date that persons receiving a flat-rate bonus would have it increased by 60 cents per week while in the case of persons whose bonus was calculated as a percentage of their weekly rates the percentage would be increased by 2.4 points. The total bonus, however, could not exceed \$4.25 per week for the former class or 17 per cent of weekly wages for the latter. Persons who previously had not been receiving a bonus were to receive 60 cents per week or 2.4 per cent of wages depending on the type of bonus for which they were eligible.

44. Where an employer is paying a cost of living bonus to some of his employees and is not paying a cost of living bonus, or is paying a cost of living bonus of a different amount, to his other employees, the National Board may direct or authorize him to pay a cost of living bonus or to increase or decrease the amount of the cost of living bonus being paid to such other employees in order equitably to adjust the amounts of such cost of living bonuses in such manner as the Board deems fair and reasonable; provided that the amount of any cost of living bonus shall not, pursuant to this action, be increased in excess of a cost of living bonus properly calculated in accordance with the provisions of this Order as defined in Section thirty-six.

45. The National Board may direct or authorize any employer who has been authorized or directed to inaugurate the payment of a range of wage rates or a single wage rate, to pay a cost of living bonus supplementary thereto in such amount as the Board, having regard to the cost of living bonuses being paid by other employers pursuant to any general order of the Board, deems fair and reasonable.

46. (1) The National Board may, with respect to any employer or employee, or any class of employers or employees, direct that any increase or decrease in a cost of living bonus or that the commencement of the payment thereof be made at a time and in respect of intervals other than those specified in Section 34.

(2) No direction may be made under this Section by a Regional Board.

#### *Relation of Bonus to P.C. 7679*

47. (1) Where, under the provisions of this Order, a cost of living bonus calculated on a percentage of the weekly wage rate is payable to any employee whose weekly wage rate has been increased in accordance with Order-in-Council P.C. 7679 of October 4, 1941, the weekly wage rate on which such cost of living bonus shall be calculated shall be such increased wage rate.

(2) Any part of a cost of living bonus paid in respect of the rise in the cost of living index number for the month of June, 1941, above the cost of living index number for any month earlier than June, 1941, may, for the purpose of the provisions of Order-in-Council P.C. 7679 of October 4, 1941, be deemed to form a part of the wage rate paid to an employee.

#### *Calculation of Bonus by National Board*

48. The National Board shall, for the purposes of a general order, calculate the increase or decrease in the cost of living bonus, if any, to be made by employers who are paying cost of living bonuses, or the amount of the cost of living bonus, if any, to be paid by employers who are not paying cost of living bonuses in respect of the increase or decrease in the cost of living, as measured by the cost of living index for the Dominion as a whole prepared by the Dominion Bureau of Statistics, for the month preceding the month of such order in the following manner:

- (i) the rise or fall in the index shall be measured in points to the nearest one-tenth of

one point after the index has been adjusted to the base of 100.0 for August, 1939;

- (ii) the increase or decrease shall be calculated from the cost of living index number for the month of October, 1941, namely, the adjusted index number of 114.6;
- (iii) for each rise of one point in the index, the amount of the bonus or the increase in the amount of the bonus, as the case may be, and for each fall of one point in the index the decrease in the amount of the bonus shall be
  - (a) 25 cents per week for all adult male employees and for all other employees employed at weekly wage rates of \$25 or more, and
  - (b) one per cent of the basic weekly wage rates for male employees under 21 years of age employed at weekly wage rates of less than \$25 and for female employees employed at weekly wage rates of less than \$25;
- (iv) the amount of the bonus shall not be changed unless the cost of living index number has changed one whole point or more since the last general order of the Board requiring an increase or decrease in the amount thereof.

49. The National Board shall, for the purpose of any direction or authorization to any employer with respect to the payment of a cost of living bonus, calculate the bonus, in the manner set out in paragraphs (iii) and (iv) of Section 48, with respect to the rise in the cost of living index number in respect of which the last general order of the National Board requiring any increase or decrease in the cost of living bonus was calculated, above the cost of living index number for such earlier month as may, under the provisions of this Order, be used by such Board in such case, and may provide in such direction or authorization that increases or decreases in the cost of living bonus required to be paid pursuant thereto, shall be made thereafter in accordance with general orders of the National Board.

#### *ANCILLARY PROVISIONS*

##### *Power to Determine Questions*

50. The National Board may, for the purposes of this Order, determine

- (i) whether an employer was, on November 15, 1941, paying a range of wage rates in respect of any job, position or occupational classification and the limits thereof;
- (ii) whether a range of wage rates or a single wage rate paid by an employer in respect of a job, position or occupational classification forms part of the basic scale of wage rates paid by the employer on November 15, 1941;
- (iii) whether the payment of any wage rate by an employer to an employee constitutes an increase or a decrease in the range of wage rates or single wage rate paid in respect of the job, position or occupa-



- tional classification in which such employee is engaged;
- (iv) whether a range of wage rates or a single wage rate is calculated on a time or commission basis or on an incentive basis;
  - (v) whether the payment of any wage rate by an employer constitutes the inauguration by such employer of the payment of a range of wage rates or a single wage rate not forming part of the basic scale of wage rates paid by such employer on November 15, 1941;
  - (vi) whether a rule, regulation or practice followed by an employer is a rule, regulation or practice governing the working conditions of his employees and whether a change in any such rule, regulation or practice directly or indirectly increases or decreases a range of wage rates or a single wage rate paid by such employer;
  - (vii) whether an employer is required to pay a cost of living bonus pursuant to this Order;
  - (viii) the amount, if any, of a cost of living bonus which an employer is required to pay pursuant to this Order;
  - (ix) whether any increase in the wage rates paid by an employer is a general increase in wage rates;
- and any such determination shall be final and conclusive.

51. Any authorization, declaration, finding, direction or order of the National Board authorized to be made by this Order shall be final and conclusive.

#### *Offences and Penalties*

52. (1) Any employer, or officer or agent thereof, who contravenes or fails or omits to observe any of the provisions of this Order, or of any authorization, declaration, direction, order or determination of any War Labour Board given or made pursuant to this Order, shall be guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000).

(2) Each payment of wages or of a cost of living bonus in accordance with a wage rate or a cost of living bonus paid in contravention of any of the provisions of this Order, or of any authorization, declaration, direction, order or determination of any War Labour Board given or made pursuant to this Order, shall constitute a separate offence.

(3) In any prosecution under this Order, the burden of proof that the payment of any wages, or of any cost of living bonus or other bonus of any kind whatsoever to any employee, is not in contravention of the provisions of this Order or is not in contravention of, or is made pursuant to any authorization, declaration, direction, order or determination of a War Labour Board given or made pursuant to this Order, shall be upon the accused.

53. Any employer who discharges or who threatens to discharge, or in any way discriminates against an employee who

- (a) furnishes information in any application or investigation made under the provisions of this Order;

- (b) has given any information to a War Labour Board regarding the wages payable to such employee or any other employee of his employer;
- (c) has initiated or taken part in any application under this Order to any War Labour Board;

shall be guilty of an offence and shall be liable on summary conviction to a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000); provided that it shall be a good defence to any prosecution under this Section if it is proven that the discharge or threat of discharge of or alleged discrimination against any employee was done in good faith and not by reason of any act or conduct of the employee described in paragraphs (a), (b), or (c) of this Section.

54. Any person who does any act calculated or intended to interfere with the continuation of operations or production by any employer for the purpose of requiring such employer to do any act in contravention of the provisions of this Order or of any direction of a War Labour Board made pursuant to this Order shall be guilty of an offence and liable upon summary conviction to a fine of not less than fifty dollars (\$50) and not more than one thousand dollars (\$1,000).

55. (1) No prosecution shall be commenced under this Order except with the consent in writing of the National Board, provided that such consent shall be sufficient if the name of the accused is set out therein, and if it indicates that the National Board has consented to the prosecution of such person under this Order.

(2) No consent shall be given to any prosecution under this Order by a Regional Board.

56. The Minister of National Revenue shall disallow as an abnormal expense pursuant to Section 8 (b) of the Excess Profits Tax Act, Chapter 32 of the Statutes of 1940, and subsection (2) of Section 6 of the Income War Tax Act, the amount of any wages or bonus payments found to have been paid or certified to him by the National Board as having been paid in contravention of any of the provisions of this Order.

#### *General*

57. Where it is provided in this Order that any declaration, order or determination, may be made or any authorization given, an application may be made by an employer or by or on behalf of an employee for the making or giving thereof.

58. (1) Where any power is conferred under this Order to make any declaration, direction, order or determination or to give any authorization, the power shall be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the declaration, direction, order or determination or the authorization, and to make others.

(2) Any direction or order made, or any authorization given by a War Labour Board pursuant to this Order may be made or given subject to such terms or conditions as such War Labour Board deems reasonable.

59. Any letter or other document purporting

to contain or to be a copy of any by-law, declaration, finding, direction, authorization, order, determination or consent of the National Board, or of any Regional Board, and purporting to be signed by the Chairman of any such Board, or by the Secretary or Chief Executive Officer of the National Board or Chief Executive Officer of a Regional Board, shall be evidence of the by-law, declaration, finding, direction, authorization, order, determination or consent therein contained or of which it purports to be a copy.

60. Notwithstanding anything contained in this Order, any employer who, prior to November 15, 1941, paid to his employees any voluntary periodical bonus other than a cost of living bonus, may continue or discontinue the payment of such bonus, provided that, if payment thereof is continued, the rate of payment shall not exceed the rate established by practice for the year ending on November 15, 1941, but no employer shall inaugurate the payment of any such bonus after such date.

61. Except with respect to changes in ranges of wage rates or single wage rates forming part of the basic scales of wage rates, and to cost of living bonuses paid by employers engaged in the construction industry to their employees in such industry, the provisions of this Order shall not affect the conduct of the National Joint Conference Board of the Construction Industry [p. 13].

62. (1) If the National Board finds that any range of wage rates or single wage rate forming part of an employee's basic scale of wage rates paid on November 15, 1941, was established pursuant to any collective agreement or recognized practice in accordance with a range of wage rates or a single wage rate paid to similar employees in comparable employment outside of Canada, the Board may, in its sole discretion, direct that such range of wage rates or such wage rates be increased in accordance with any increase in the range of wage rates or single wage rate in such comparable employment outside of Canada.

(2) In any such case, if the Board directs that a range of wage rates or a wage rate be increased, no cost of living bonus shall be paid to any employee to whom any such increased wage rate is paid.

(3) Any range of wage rates or single wage rate so increased shall not be taken into consideration in determining ranges of wage rates or single wage rates generally prevailing for any of the purposes of this Order.

(4) No direction shall be made under this Section by any Regional Board.

63. (1) Any provision of any collective labour agreement which is inconsistent with the provisions of this Order shall be forthwith brought into conformity with this Order.

(2) Notwithstanding any provision of any collective agreement with respect to working conditions, directly or indirectly affecting wages, either party to any such agreement may apply to the National Board for the revision or suspension of any such conditions and the Board may direct a revision or suspension thereof not inconsistent with the provisions of this Order as it may deem advisable.

(3) The National Board shall maintain a

record of all such modifications and suspensions of which notification is given to it.

64. This Order shall supersede any inconsistent provisions of any Dominion or Provincial law, order or regulation but nothing in this Order shall deny to employees cost of living bonuses or other benefits to which they were entitled on November 15, 1941.

### Inspection

P.C. 1774, Mar. 9, 1942.—Whereas the Minister of Labour reports that in July, 1941, arrangements were completed with the provincial Departments of Labour to co-operate in the enforcement of the fair wage and labour conditions on Government contracts and Order-in-Council P.C. 5522 of 22nd July, 1941, provided in part that the Minister of Labour was authorized to appoint certain provincial officials and others as his duly authorized representatives for the enforcement of the said conditions;

That identification cards "Department of Labour Dominion-Provincial Inspection", countersigned by the Dominion Deputy Minister of Labour and an authorized provincial official have been issued under the authority of the said Order-in-Council to certain provincial officials and other persons authorized to inspect labour conditions pursuant to the laws of the several provinces;

That Order-in-Council P.C. 8253 of 24th October, 1941, as amended, established the National War Labour Board and charged it, *inter alia*, with the administration of the fair wage and labour conditions on Government contracts.

That subsequently, the Provincial Departments of Labour agreed to co-operate with the National War Labour Board through the Regional War Labour Boards in the administration of the said Order-in-Council P.C. 8253 of the 24th October, 1941, as amended, and,

That it is desirable to extend the provisions of Order-in-Council P.C. 5522 of the 22nd day of July, 1941, to authorize the designation of provincial officials and certain other persons as duly authorized representatives of the National War Labour Board;

Now, therefore, His Excellency, the Governor-General-in-Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to revoke and doth hereby revoke Order-in-Council P.C. 5522 of 22nd July, 1941, and make the following Order:—

1. The Minister of Labour may authorize any person, including any provincial official, to act as his representative, or as an inspector for the purposes of the administration of the Wartime Wages and Cost of Living Bonus Order (Order-in-Council P.C. 8253 of 24th October, 1941, as amended) [now the Wartime Wages Control Order].

2. Any person authorized by the Minister of Labour to act as an inspector shall have power to do all or any of the following things, namely:—

(a) to enter at all reasonable time any premises or place, other than a private dwelling house not being a workshop,



where he has reasonable grounds for supposing that any employer subject to the Wartime Wages and Cost of Living Bonus Order (Order-in-Council P.C. 8253 of 24th October, 1941, as amended) Order-in-Council P.C. 7679 of the 4th October, 1941, and The Fair Wages and Hours of Labour Act, 1935, [pp. 36, 34] employs any persons;

- (b) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of the Wartime Wages and Cost of Living Bonus Order (Order-in-Council P.C. 8253 of 24th October, 1941, as amended), Order-in-Council P.C. 7679 of the 4th October, 1941, and The Fair Wages and Hours of Labour Act, 1935, are complied with in any such premises or place;
  - (c) to examine orally, either alone or in the presence of any other person as he thinks fit with respect to any matters under the Wartime Wages and Cost of Living Bonus Order (Order-in-Council P.C. 8253 of 24th October, 1941, as amended), Order-in-Council P.C. 7679 of the 4th October, 1941, and The Fair Wages and Hours of Labour Act, 1935, every person whom he finds in such premises or place or whom he has reasonable cause to believe to be or to have been employed pursuant to the provisions of the Wartime Wages and Cost of Living Bonus Order (Order-in-Council P.C. 8253 of 24th October, 1941, as amended) and to require every person to be so examined and to sign a declaration of the truth in respect of such matters in which he is examined.
3. The occupier of any such premises or place or any other person who employs any persons engaged in work thereon or any servant of any such occupier or other person or any employed person on such premises, shall furnish to any inspector all such information and shall produce for inspection all such registers, books, cards, wage sheets, records of wages and other documents as the inspector may reasonably require.

4. If any person wilfully delays or obstructs

an inspector in the exercise of any power under subsection (1) of this Order or fails to give such information or to produce such documents as required under subsection (2) of this Order, or conceals or prevents, or attempts to conceal or to prevent any person from appearing before, or to be examined by, an inspector, shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$200.

5. (1) The Minister of Labour shall furnish to every inspector appointed under this Order a card certifying his appointment and such inspector shall, on applying for admission to any premises, or requesting any information, or commencing any examination for the purpose of this Order, if so required, produce the said certificate to the occupier or person from whom he is requesting such information or whom he desires to examine.

(2) The production of any such card by any person purporting to be an inspector shall be evidence as to the appointment of such person as inspector.

(3) Any person authorized as a representative of the Minister of Labour under Order-in-Council P.C. 5522 of July 22, 1941, is an inspector under this Order and any Department of Labour Dominion-Provincial Labour Inspection identification card is, for the purposes of this Order, a card certifying the appointment of such person as an inspector.

6. Any inspector who makes use of the authority vested in him by this Order for any purpose otherwise than in accordance with the instructions of the Minister of Labour, the National War Labour Board, a Regional War Labour Board, or in any other manner authorized by law shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$200.

7. The Minister of Labour may designate any department, board, committee or corporation authorized by the law of any province to administer any law, order, regulation or agreement relating to working conditions as his agent or as the agent of the National War Labour Board or a Regional War Labour Board for the purposes of supervising the members of its staff in the performance of their duties as representatives or inspectors pursuant to this Order.

### Control of Wages in Special Cases

Provision was made in May, 1943, for the establishment of a Western Labour Board with jurisdiction over wages and hours of work on defence projects in Alberta, British Columbia, the Yukon and the Northwest Territories. Previously jurisdiction in these matters had been divided between the National War Labour Board, the Regional Boards for Alberta and British Columbia and certain provincial agencies.

Special Orders-in-Council have been passed regarding the wages paid for work on the following construction and other projects which were of particular urgency: defence projects in British Columbia, communication facilities in British Columbia and Manitoba, the Polymer Corporation synthetic rubber plant in Sarnia and coal production in Vancouver Island. Supplementary living allowances have been granted to construction workers for the Polymer plant and to workers on the Queen Charlotte Islands in British Columbia (p. 76), and a special war risk bonus is paid to merchant seamen (p. 103).

The expansion in shipbuilding gave rise to many anomalies in the wage structure of the industry so that the problem was more than one of stabilizing rates. After

several Boards of Conciliation and Investigation had been set up to deal with wage disputes in individual Ontario and Quebec shipyards, a Royal Commission was established to investigate the problem as a whole. On the basis of its recommendations a plan was put into effect for ten yards in the two provinces. Difficulties also arose in Halifax and rates were fixed for all classes of workers in the two yards in that city on the basis of those agreed to by the union and the management of the privately-owned yard.

Employees of "any department or agency of the Government of Canada" are specifically excluded from the terms of the Wages Control Order but a cost of living bonus is paid to those receiving less than \$3,000 per year.

### Western Labour Board

P.C. 3870, May 17, 1943.—[This Order-in-Council, which came into force on June 1, applies to any construction work undertaken by or for the Governments of Canada or the United States in Alberta, British Columbia, the Yukon and the Northwest Territories, and any other related work which the Minister of Labour might designate. It authorizes the establishment of a Western Labour Board, with headquarters at Edmonton, consisting of a chairman and five other members. One of the members is a National Selective Service Officer and the others represent the Alberta and British Columbia Governments and the employers and workers concerned.\* The United States Government has been invited to appoint a representative to act as a special consultant of the Board on United States projects in Canada.]

[The Board is charged with the administration of the Wartime Wages Control Order and the Fair Wages and Hours of Labour Act, 1935, in respect of the employment on the defence projects mentioned above of persons ordinarily resident in Canada, and in spite of any inconsistent provisions of any Dominion or provincial laws it has exclusive jurisdiction in regard to the wages, cost-of-living bonuses and hours of such persons. The provisions of the Wages Control Order regarding the powers of the National and Regional War Labour Boards "are amended, *mutatis mutandis*," but all orders, etc., of these Boards remain in effect as far as they are applicable. In areas which are isolated or in which there is an acute labour shortage, the Western Board may, notwithstanding the provisions of Fair Wages and Hours of Labour Act and the Wages Control Order, authorize or prescribe such wages, cost-of-living bonuses and hours as it finds fair and reasonable "having regard to the necessity of recruiting and maintaining an adequate supply of labour for employment on western defence projects with the minimum dislocation of wage rates in and the supply of labour for other employment and having regard for all other circumstances deemed by it in its discretion to be material."

[The Board may also authorize American contractors or departments or agencies of the United States Government to engage, subject to the provisions of the National Selective Service Civilian Regulations, specified numbers and classes of persons ordinarily resident in Canada for employment on western defence

projects. In doing so, it must follow instructions given by the Director of National Selective Service. It must also have regard to the provisions of an Agreement between Canada and the United States concerning labour on the Alaskan highway (p. 75) and to the necessity of a balanced distribution of available labour between employment on western defence projects and other essential employment. Applications must be made through channels prescribed by the United States Government.]

[In administering the sections on wages the Board is assisted by the National Board and the Regional Boards for Alberta and British Columbia. It is guided as to general policy by principles and directions set out by the National Board and it may submit any questions to this Board for an advisory opinion. In carrying out its duties generally it must confer from time to time with the Special Commissioner for Defence Projects in North West Canada.]

[It may, with the approval of the Governor-in-Council, employ such officers as are necessary, and with the approval of the Minister of Labour it may make by-laws. It has the powers of a commissioner appointed under the Inquiries Act and the chairman or any member may administer oaths. Its administrative expenses are paid out of the War Appropriation.]

### Defence and Other Construction Projects

#### *Defence Projects, Vancouver Island*

P.C. 5037, June 12, 1942.—[Adjusted wages of workers on construction projects of the Department of National Defence (Naval Services) and other Government agencies in Victoria and elsewhere on Vancouver Island. The total wages of these workers had been lower than that for other construction workers in the area since they had been paid no cost-of-living bonus. As a result there had been a shortage of labour. It was therefore provided that labourers on the Government projects would receive the same bonus as those on other construction work and the National War Labour Board was authorized to make such adjustments in the basic rates and cost-of-living bonus of the other classes as it deemed fair and reasonable.]

#### *Communication Facilities, British Columbia and Manitoba*

P.C. 1/6956, Aug. 5, 1942.—[Stabilized wage rates on Dominion Government contracts for

\*On June 10 1943, the following were appointed members: Justice G. B. O'Connor (chairman), J. F. Keen (British Columbia Government), G. B. Henwood (Alberta Government), M. Ainslie, Alberta Federation of Labour (workers), H. G. MacDonald, Edmonton (employers), and W. Carnill (Selective Service Officer).



the construction of additional communication facilities in British Columbia and equalized the rates paid by the various contractors. A schedule was drawn up setting forth basic rates for the various classes of labour and providing for time and one-half for hours in excess of 44 per week. Contractors who had paid less than these rates before November 15, 1941, and who were prevented by the Wages Control Order from raising rates, were by this Order-in-Council required to raise the rates of the workers specified but no others. At the same time, wages which were higher than the specified rates were not to be reduced.]

P.C. 9899, Nov. 6, 1942.—[Stabilized and adjusted rates of employees of contractors engaged on work undertaken by the United States Army Signal Corps for extending communication facilities in Manitoba in the same way as those of workers on similar projects in British Columbia.]

#### *Polymer Corporation, Sarnia*

P.C. 7238, Aug. 14, 1942.—[Exempted the construction of a synthetic rubber plant at Sarnia from the Fair Wages and Hours of Labour Act, 1935, (p. 34), and the Wartime Wages Control Order, and authorized the National War Labour Board to set special rates for the occupations concerned. This action was taken in order to attract a sufficient supply of competent labour to complete the work as quickly as possible.]

#### **Coal Production, Vancouver Island**

P.C. 10726, Nov. 24, 1942.—[This Order-in-Council forms part of a general policy to increase coal production in Canada (pp. 71, 73). Canadian Collieries (Dunsmuir) Ltd., operating coal mines at Cumberland and Nanaimo, B.C., was authorized to pay the rates set out in a supplementary agreement of November 16, and the Emergency Coal Production Board was directed to report on the capacity of the company to pay these rates (after taking into account any economies which the Board might advise) and to make recommendations as to the extent, if any, to which the Government should assist the company financially. The Board was also directed to examine generally the conditions of coal production in Vancouver Island and to take steps and make recommendations to increase it.]

#### **Shipyards**

##### *Ontario and Quebec*

P.C. 629, Jan. 26, 1942.—[Put into effect a plan for stabilizing basic wage rates in the following Ontario and Quebec shipyards: Kingston Shipyards Co., Ltd., Collingwood Shipyards, Ltd., Midland Shipbuilding Co., Ltd., Toronto Shipbuilding Co., Ltd., Port Arthur Shipbuilding Co., Ltd., Canadian Vickers, Ltd. (Marine Division), Davie Shipbuilding and Repairing Co., Ltd., George T. Davie and Sons, Marine Industries, Ltd., and Martin Engineering and Dry Dock Co., Ltd. Basic rates and a cost-of-living bonus were set for mechanics, and the Minister of Labour was authorized to determine fair and reasonable

rates for other classes having regard to the rates for mechanics. The cost-of-living bonus is adjusted in accordance with the Wages Control Order.]

##### *Halifax*

P.C. 3471, Apr. 28, 1942.—[Stabilized basic rates in H.M.C. Dockyard, Halifax, and Halifax Shipyards and eliminated the disparity in rates which had been causing unrest. Detailed wage schedules were drawn up fixing rates for every class of worker. Provision was also made for a cost-of-living bonus to be adjusted in accordance with the Wages Control Order. It was further provided with regard to H.M.C. Dockyard that workers whose actual rates were higher than the rates set for their classes would not suffer any reduction but that they would not receive any bonus until the amount of the bonus payable under the Order exceeded the difference between the rates fixed and their actual rates.]

##### *Powers of War Labour Board*

P.C. 4566, June 4, 1943.—[Provides that nothing in either of the above Orders-in-Council will be deemed to prevent the National War Labour Board from making any adjustment of the wage rates or cost of living bonuses fixed for the shipyards concerned.]

#### **Government Employees**

P.C. 6702, Aug. 26, 1941, amended by P.C. 122/7305, Sept. 17, 1941, P.C. 87/89, Jan. 7, 1942, P.C. 18/1656, Mar. 3, 1942, P.C. 15/3975, May 14, 1942, and P.C. 1/4456, May 31, 1943.—[Provides for the payment of a cost-of-living bonus to the employees of the Government of Canada, these employees having been specifically excluded from the Wartime Wages Control Order and the Orders which it replaced. It applies to all persons, other than members of the armed forces, whose wages are paid out of the revenue of the Dominion, including members and employees of all commissions, boards and other corporate bodies acting as agents of the Government. It does not, however, apply to persons employed by the following corporations which are specifically stated by the amendment of Mar. 3, 1942, to be subject to the Wartime Wages Control Order: Bank of Canada, Canadian Broadcasting Corporation, Canadian National Railway System, Trans-Canada Air Lines, Canadian Government Merchant Marine Limited, Canadian National (West Indies) Steamships Ltd., Dominion Government Arsenals, H.M.C. Dockyards at Esquimalt and Halifax, Canadian Wheat Board, Commodity Prices Stabilization Corporation, any corporation, whether owned by the Government or not, which is engaged in the manufacture or handling of war supplies, and construction workers engaged by any department or agency of the Government.]

[Originally payment of the bonus was limited to persons receiving less than \$2,100 per year and to manual workers, whatever their income, employed by the Government on war work. On May 31, 1943, however, provision was made

for the payment of a smaller bonus to persons receiving between \$2,100 and \$3,000.

[The method of calculating the bonus is as nearly as possible in accord with the principles laid down in P.C. 7440 which was in effect when P.C. 6702 was passed. Persons whose remuneration is \$108 per month or over and all heads of households receive 25 cents per week for each rise of one point in the cost of living index, while other employees receive one per cent of their total remuneration for each rise of one point. The rise is measured from August 1, 1939, in the case of those receiving less than \$2,100 per year and of manual workers, and from July 1, 1941, in the case of non-manual employees receiving between \$2,100 and \$3,000. The bonus is increased or decreased only if there has been a change of five per cent or more

and three months have elapsed since the previous determination.

[Persons whose basic remuneration is less than \$3,000 may not have their total remuneration raised above \$3,000 by reason of the payment of the bonus. For those whose basic remuneration is less than \$2,100 payment of the bonus may not result in their total remuneration exceeding \$2,100 plus the bonus payable to persons receiving \$2,100 to \$3,000. When a husband and wife are both members of the Public Service of Canada and both are eligible for a bonus, that of the employee with the greater salary will be paid. If either is ineligible neither will receive a bonus, and if both are eligible for the same bonus, the husband's will be paid.]

### Control of Salaries

The first mandatory wages order was passed on October 24, 1941, and it was followed on November 27 by the Wartime Salaries Order which stabilized salaries at the level in effect before November 7. A revised Order was issued on February 27, 1942, the main change being to permit adjustments in the salaries of officials employed by war firms which were in the process of organization or reorganization at the time the original order came into effect.

The Order applies to all persons above the rank of foreman or comparable rank. A person receiving less than \$175 per month is deemed not to be above that rank, and a person receiving \$250 per month or more is deemed to be above it unless it is clear from the nature of his duties that he is not. Doubtful cases are decided by the National or appropriate Regional War Labour Board.

#### Wartime Salaries Order

P.C. 1549, Feb. 27, 1942, amended by P.C. 4346, May 26, 1942.—Whereas by Order-in-Council P.C. 9298, of November 27, 1941, "The Wartime Salaries Order" was made for the purpose of stabilizing the rates of managerial and executive salaries paid during wartime in the same general way as wage rates are stabilized under the Wartime Wages and Cost of Living Bonus Order, and permitting the payment of a specified cost of living bonus to salaried officials earning less than \$3,000 per year;

And whereas by Order-in-Council P.C. 946, of February 6, 1942, certain of the provisions of the said Wartime Salaries Order were amended for the various reasons recited in the said amending Order;

And whereas the Minister of Finance and the Minister of National Revenue report . . .

That it is . . . desirable to amend further the Wartime Salaries Order; and

That, in order to simplify reference to the Wartime Salaries Order as amended, it is desirable to rescind the original Order and the amending Order of February 6, 1942, and make in their stead, a new Order consolidating the text of the original Order as amended by the Order of February 6, 1942, and the further amendments now proposed.

Now, therefore, His Excellency the Governor-General-in-Council, on the recommendation of the Minister of Finance and the Minister of National Revenue concurred in by the Minister of Munitions and Supply,

and under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada 1927, is pleased to revoke and doth hereby revoke Order-in-Council, P.C. 9298, of November 27, 1941, and Order-in-Council, P.C. 946, of February 6, 1942, and make the following order, to be called "The Wartime Salaries Order".\*

#### ORDER

1. For the purpose of this Order, unless the context otherwise requires,

(a) "employer" shall include any person, body corporate or politic, and any association or other body, the heirs, executors, administrators, curators and other legal representatives of such person according to the laws of that part of Canada to which the context extends, irrespective of the number of persons employed by him, but shall not include

(i) the Government of Canada, or any board, commission or other organization operated by or under the authority of the Government of Canada, employees of which are subject to the terms and provisions of Order-in-Council P.C. 6702 of

\* On Dec. 17, 1941, the Commissioner of Income Tax was appointed Salaries Controller with authority to exercise such of the powers as are conferred on the Minister of National Revenue by this Order as the Minister might delegate to him.



- August 26, 1941, and amendments thereto;
- (ii) the Government of any province of Canada, or any board, commission or other organization operated by or under the authority of the Government of any province of Canada;
  - (iii) any municipality, or any board, commission or other organization operated by or under the authority of a municipality;
  - (iv) any bona fide public hospital certified to be such by the Department of Pensions and National Health;
  - (v) any religious, charitable or educational institution or association not carried on for purposes of gain.
- (b) "Salaried official" shall include every employee of an employer who is above the rank of foreman or comparable rank, and for the purpose both of this Order and of the Wartime Wages and Cost of Living Bonus Order any employee receiving salary or wages (excluding cost of living bonus) at a rate of less than \$175 per month shall be deemed to be not above the rank of foreman or comparable rank; and anyone receiving a salary or wages (excluding cost of living bonus) at a rate of \$250 or more per month shall be deemed to be above the said rank of foreman or comparable rank unless the nature of his duties and responsibilities, or his relationship to other employees, indicates clearly that he is not above the said rank. In cases of doubt or dispute with regard to the rank of any employee or class of employees, the National War Labour Board, or a Regional War Labour Board, shall declare whether that employee or that class of employees is above the rank of foreman or comparable rank for the purpose of this Order and the Wartime Wages and Cost of Living Bonus Order [now the Wartime Wages Control Order].
- (c) "Salary" shall include wages, salaries, bonuses, gratuities, emoluments or other remuneration including any share of profits or bonuses dependent upon the profits of the employer and all other forms of "income" as defined by Section 3 of the Income Tax Act if such income is related to the office or position occupied by the recipient and shall include payments to persons other than the employee in respect of services rendered by the employee and also payments in kind, and shall include the aggregate of all salaries paid by any one employer to any one employee, irrespective of how many positions the employee may occupy, and shall include the aggregate of all salaries paid to any employee by parent, subsidiary or affiliated companies resident or carrying on business in Canada; provided, however, that a salesman's commission, unless it has, in the opinion of the Minister of
- National Revenue, been substituted in whole or in part for another type of remuneration primarily with a view to defeating the purpose of this Order or been unreasonably increased since November 6, 1941, shall not be deemed to be a "salary".
- (d) "Cost of living bonus" shall mean a periodic supplement to wages or salary occasioned by changes in the cost of living and payable regularly either at the same time as the salary or wages are paid or at least once every month.
- (e) "The base year" shall mean the year commencing November 7, 1940, and ending November 6, 1941, both inclusive.
2. Unless otherwise permitted by paragraphs 3, 4 and 5 hereof, no employer shall, on or after November 7, 1941:
- (a) increase the rate of salary paid to a salaried official above the most recent salary rate established and payable prior to November 7, 1941, or if no rate of salary for a particular salaried official were established and payable prior to November 7 because the said salaried official was not employed by the employer prior to the said date, increase the rate of salary above the rate of salary first payable to the said salaried official.
- A cost of living bonus established and payable prior to November 7, 1941, shall be regarded as part of the rate of salary established and payable to a salaried official prior to the said date, and as such may continue to be paid at the same rate, but may not subsequently be increased by reason of any increase in the cost of living index unless permitted by paragraph 4 hereof;
- (b) pay to a salaried official for whom no salary rate was established and payable by such employer prior to November 7, 1941, because the said salaried official was not employed by the employer prior to the said date, a rate of salary higher than the rate previously paid by the said employer to a salaried official performing substantially the same services or if there were no salaried official previously performing substantially the same services, a rate of salary higher than a reasonable and proper rate having regard to the salary rates payable to salaried officials for similar services in like businesses;
  - (c) pay fees to a director of a company at a rate in excess of the rate of fees paid to such director in the twelve months ending November 6, 1941, provided, however, that a newly appointed director of a company may be paid fees at the same rate as that paid to other directors of the said company during the twelve months ending November 6, 1941, and the payment thereof to such newly appointed director shall not be regarded as an increase in the salary of the said director for the purposes of this Order;
  - (d) pay as bonus (which, for the purpose of this sub-paragraph, shall include gratui-

ties and shares of profits but shall not include cost of living bonus) a larger total amount to any one salaried official during any year following November 6, 1941, than the total amount paid to the said salaried official as bonus in the base year, provided that:

- (i) where the salaried official has a contractual right evidenced in writing which existed at November 6, 1941, to receive such a bonus, defined as a fixed percentage of or in fixed ratio to his salary, the profits of the business, or the amount of sales, output or turnover of the business, the employer may continue to pay the said bonus at the same fixed percentage or ratio as that contracted for previous to November 7, 1941;
- (ii) where a salaried official has been engaged or promoted after November 6, 1940, the employer may pay him an amount as bonus not greater than the amount of bonus paid by the same employer to a salaried official doing substantially the same class or grade of work, and if the bonus is computed as a rate based upon some factor such as profits, sales or output, the total amount of it in any year shall be limited as herein provided;
- (iii) an employer may in any year after November 6, 1941, pay to a salaried official who was employed by him during the base year a larger amount as bonus than he paid to the said salaried official as bonus during the base year, provided that the said amount of bonus shall not exceed the largest amount paid as bonus by that employer to any one salaried official doing substantially the same class or grade of work during the base year, and that the aggregate amount paid as bonus in the said year after November 6, 1941, by the said employer to all salaried officials who were employed by him in the base year (excluding any amounts payable under clause (ii) hereof to the extent that they are in excess of the amount paid to the same officials in the base year) does not exceed the aggregate amount paid as bonus to the same salaried officials during the base year.

Nothing in this Order shall be deemed to limit the right of the Minister of National Revenue under the Income War Tax Act and The Excess Profits Tax Act, 1940, to disallow any portion of any salary, bonus, gratuity or share of profits as being an unreasonable and abnormal expense of the employer.

- 3. (a) Notwithstanding anything contained in paragraph 2 hereof, an increase in salary rate may be permitted if the employer establishes to the satisfaction [of the Minister of National Revenue] that the increase is commensurate with

and is occasioned by a bona fide and reasonable promotion (on or after January 1, 1941) of a specific salaried official who has been given added responsibilities and increased duties, providing that the total salary including the increase is not higher than the level of salaries paid to salaried officials for similar services in like businesses, and provided that if the total salary, including the increase, is

- (i) less than \$7,500 per year, such increase is reported on the prescribed form to the Minister of National Revenue within three months of the time of the first payment of the increase, and is approved by the Minister on or before the assessment of the income tax return of the employer for the year in which the increase was made, or
- (ii) \$7,500 or over, such increase has been reported on the prescribed form and approved by the Minister of National Revenue before the payment of the increase.
- (b) In case of a promotion or a new appointment to an established position taking place after November 6, 1941, in respect of which the employer in accordance with established policy does not grant the employee the full salary previously paid to the former incumbent of the position to which the employee is promoted or appointed, the Minister of National Revenue may, in the case of a promotion, authorize a temporary increase in salary and subsequently one further increase, provided that the total increase thereby effected will be within the limits set by the provision of sub-paragraph (a) of this paragraph, or, in the case of a new appointment, authorize a temporary salary and subsequently one increase in salary, provided that the increased rate of salary ultimately payable shall not be higher than the limit mentioned in sub-paragraph (b) of paragraph 2 of this Order.
- (c) Notwithstanding paragraph 2 hereof, the Minister of National Revenue may permit an employer to increase the rate of salary paid to a salaried official who has on or after January 1, 1941, been newly appointed or promoted and who is receiving a probationary rate of salary which has not been increased beyond the first rate established on or after the appointment or promotion, provided that the new salary rate permitted by the Minister may not be higher than the rate paid by the employer to the former incumbent of the said position, or if there was no former incumbent, the new salary rate may not be higher than the rate of salary being paid for the same or substantially similar services in like businesses. No increase in salary permitted under this sub-paragraph shall be paid until the permission of the Minister has been obtained.



- (d) After any increase in salary has been approved in accordance with sub-paragraphs (a), (b) or (c) of this paragraph and a new salary level so established, the provisions of this Order shall apply to the said salary level from the effective date of that increase as if it had been established at November 6, 1941.

4. Notwithstanding paragraph 2 hereof, any employer may, without specific approval of the Minister of National Revenue, pay a cost of living bonus not greater than an amount calculated in accordance with sub-paragraphs (a), (b), (c), (d) and (e) of this paragraph, and based on the cost of living index for the Dominion as a whole prepared by the Dominion Bureau of Statistics, to salaried officials receiving salaries of less than \$3,000 per year (excluding cost of living bonus), and any employer who is paying a cost of living bonus under the provisions of the Wartime Wages and Cost of Living Bonus Order to an employee regularly receiving wages in excess of \$3,000 per year (excluding cost of living bonus), may pay a cost of living bonus, determined in the manner herein provided, to a salaried official if the salary (excluding cost of living bonus) of the said official does not exceed \$4,200 per year, and provided that the total remuneration (including salary and cost of living bonus) of the said salaried official does not exceed the total remuneration (including wages and cost of living bonus) regularly paid by the said employer to an employee not above the rank of foreman or comparable rank and entitled to receive a cost of living bonus in accordance with the provisions of the Wartime Wages and Cost of Living Bonus Order.

- (a) If the payment of a cost of living bonus is commenced after the effective date of this Order, it shall not be payable in respect of any services rendered prior to February 15, 1942, and it shall reflect no more than the increase in the said index after October 1, 1941;
- (b) If the salary rate payable to a salaried official on November 6, 1941, included a cost of living bonus determined in a manner consistent with sub-paragraphs (c) and (d) hereof, or pursuant to P.C. 7440 of December 16, 1940, there may be added to such bonus an amount based, in the manner herein provided, on the rise in the index number for October 1, 1941, above the most recent index number used to determine the then current amount of such bonus, and the total salary including such added amount of bonus shall be regarded, for the purposes of this Order, as the rate of salary in effect at November 6, 1941; and further amounts to be added to such bonus, in the manner hereinafter prescribed, shall not be based on any increase in the said index number prior to October 1, 1941, and shall not be payable in respect of any services rendered prior to February 15, 1942;
- (c) The rise or fall in the index shall be measured in points, to the nearest 1/10 of one point, after the index has been adjusted to the base of 100 for August, 1939;

- (d) For each rise of one point in the index, the amount of the bonus or the increase in the amount of the bonus, as the case may be, and for each fall of one point in the index the decrease in the amount of the bonus shall be twenty-five cents per week;

- (e) The amount of the bonus may be re-determined every three months on the basis of the change in the cost of living shown by the index number for the immediately preceding month as compared with the index number on which the last previous change in the amount of bonus was based. The amount of the bonus shall not be changed unless the cost of living has changed one whole point or more. Employers shall be guided in determining whether the bonus may be changed by the announcement of the change, if any, in the index number as given by the National War Labour Board pursuant to The Wartime Wages and Cost of Living Bonus Order, being P.C. 8253, dated October 24, 1941.

5. (a) Notwithstanding paragraph 2 hereof, the Minister of National Revenue, if he is satisfied that it is important to the war effort that an increased rate of salary be paid to a particular salaried official, may, in special cases, permit an employer engaged in a war industry to grant one increase of an amount approved by the Minister in the rate of salary paid to

- (i) a salaried official who is a citizen of a country other than Canada and who is performing services in Canada requiring special technical or other special qualifications and experience;
- (ii) a salaried official who was engaged at a probationary rate of salary on or after January 1, 1940, and prior to December 1, 1941;
- (iii) a salaried official whose duties and responsibilities have been substantially increased, since his salary rate was established, by reason of new or additional production for war purposes in the plant, factory, firm or other production unit in which he is employed;
- (iv) a salaried official whose rate of salary is unduly low in relation to the prevailing rate of salary generally payable for the same or substantially similar services in the same business or in comparable businesses, provided that the new salary rate established by the increase herein permitted shall not exceed the said prevailing rate.
- (b) For the purpose of this paragraph "an employer engaged in a war industry" is intended to mean an employer engaged in the production, repairing or servicing of implements or munitions of war, as such terms are commonly understood, or of ships or aircraft, or an employer engaged mainly in supplying parts, materials, equipment or services for use therein, or an employer engaged wholly or mainly on

construction for war purposes, but shall not include an employer engaged mainly in supplying, producing, repairing or servicing goods, materials, equipment or services for general use, such as are common in times of peace. For greater certainty but without restricting the generality of the foregoing, the following shall be deemed to be employers engaged in war industry:

- (i) businesses which have been established since September 1, 1939, to produce, service or repair implements or munitions of war, as such terms are commonly understood;
- (ii) businesses which have substantially expanded, converted or altered their operations at the request of the Department of Munitions and Supply, for the purpose of producing, repairing or servicing implements or munitions of war, or of supplying materials or equipment mainly used in producing, repairing or servicing implements or munitions of war.
- (c) Application for permission to pay an increased salary to a salaried official pursuant to the provisions of this paragraph shall be submitted by the employer to the Minister of National Revenue on the prescribed form, setting forth all the facts which in the opinion of the employer warrant the proposed salary adjustment. No payment of an increase in salary pursuant to the provisions of this paragraph, or on account thereof, shall be made to a salaried official until notification has been received by the employer from the Minister stating that an increase in salary has been approved and the amount thereof. The decision of the Minister as to whether an increase in salary is to be permitted under the terms of this paragraph, and as to the amount thereof, shall be final and conclusive. (P.C. 4346.)

6. Any employer, or his officer or agent, who pays or contracts to pay a salaried official a salary in violation of any provision of this Order or contravenes or fails to observe any of the provisions hereof shall be guilty of an offence and liable on summary conviction to a fine of not less than \$100 nor more than \$5,000,

for each such violation, contravention or failure.

7. The amount of any salary, found by the Minister of National Revenue to have been paid in excess of the amounts permitted by this Order or to have been paid in violation of this Order, shall be deemed to be an unreasonable and abnormal expense of the employer for all purposes including the purposes of the Income War Tax Act and The Excess Profits Tax Act 1940, and pursuant to subsection (2) of Section 6 of the Income War Tax Act and Section 8 (b) of The Excess Profits Tax Act 1940, such amount shall be disallowed as an expense of the employer in assessing the employer's profits subject to taxation under the said Acts.

8. Nothing in this Order shall be deemed to limit the discretionary power of the Minister of National Revenue as provided for in the Income War Tax Act or The Excess Profits Tax Act 1940 and, more particularly, the power of the said Minister to determine whether a salary or rate of salary, whether paid or payable prior to or subsequent to the effective date of this Order, was reasonable and normal for the business, for purposes of assessment under the said Acts.

9. No agreement providing for an increase in the rate of salary above the rate payable at November 6, 1941, shall be enforceable in respect of such increase except and to the extent that such increase is within the amount that may be permitted by paragraphs 3 or 4 hereof, and no action shall lie against any person for breach of contract for complying with the provisions of this Order or for refusing to pay any salary in excess of the amount permitted by this Order.

10. The Minister of National Revenue with the approval of the Governor-in-Council may make such regulations in furtherance of the provisions of this Order as may be required for carrying this Order into effect and in particular, but not so as to limit the generality of the foregoing, he may provide by regulation for the determination of the persons to whom this Order is applicable with a view to ensuring that salaried officials not subject to the War-time Wages and Cost of Living Bonus Order, P.C. 8253, dated October 24, 1941, will be subject to this Order.\*

\* No regulations issued.

## Wages and Hours on Government Contracts

In pursuance of a resolution passed by the House of Commons in 1900, the Dominion Government has inserted in all contracts requiring work to be performed a clause stipulating that "fair wages" shall be paid. Since 1922 the fair wage provisions have been set forth in an Order-in-Council and this Order was amended in 1924 and 1934.

Under it contracts are divided into two groups for which somewhat different conditions are established. Contracts for construction are governed by the "A" conditions which require the Department of Labour to draw up for insertion in the contracts schedules of wages and hours current in the locality where the work is being done, or, if there are no current wages and hours, then those deemed fair and reasonable by the Minister of Labour. The Fair Wages and Hours of Labour Act, 1935, which re-



placed an Act of 1930, makes the additional provision regarding construction to be performed under Government contract or towards which the Government grants financial aid, that hours may not normally exceed eight per day or 44 per week, except when otherwise provided by the Governor-in-Council or in cases of emergency when other conditions may be approved by the Minister of Labour. Contracts for the manufacture of supplies are under the "B" conditions. In 1934, to the general requirement that the wages and hours for work on these contracts must be current or fair and reasonable wages and hours was added the provision that in any case the rates could not be less than 30 and 20 cents per hour for men and women over 18 years of age respectively, nor less than the rates established under provincial legislation.

During the war the fair wages policy has been modified in certain respects. The pre-war Order-in-Council provides with regard to construction contracts that the Minister of Labour may, on proof satisfactory to himself, recompense workers for unpaid wages out of the money payable to the contractor and the Act provides that the Governor-in-Council may make regulations regarding the payment of wages in case of default. An Order-in-Council passed under the latter authority in November, 1940, makes the Deputy Minister of Labour responsible for the investigation of claims and sets forth in detail the procedure for settlement. Use was made of the authority to permit longer hours than those fixed by the Act in the case of the construction of certain training centres. During 1942 special Orders-in-Council were passed regarding wages on certain construction projects of particular urgency (p. 28).

The minimum hourly rates fixed in 1934 for work on contracts for equipment and supplies were raised by an Order-in-Council of May 30, 1941, to 35 and 25 cents for men and women respectively, with lower rates permitted for learners and workers under 18. This Order was replaced by one of October 4, 1941 (P.C. 7679) which was passed under the War Measures Act and is still in effect. The rates for men and women 18 and over are unchanged but a minimum of 20 cents is now in effect for workers under 18. The provisions relating to beginners have been clarified and it is stipulated that not more than 20 per cent of the total working force may be paid beginners' rates. A penalty for infraction of the Order which was provided by the Order of May 30 has been substantially increased and the provisions of the pre-war Order-in-Council requiring the posting of notices and keeping of records have been re-stated. A provision of the pre-war Order regarding the remedy to be taken when workers are paid less than their proper wage is also re-stated, and it is added that settlement of claims will be made in the same manner as in the case of construction contracts.

The Wartime Wages Control Order (sec. 4 (1), p. 16) makes the National War Labour Board responsible for the administration of Order-in-Council P.C. 7679 and of the Fair Wages and Hours of Labour Act, and inspectors are appointed for their enforcement under an Order-in-Council of March 9, 1942 (p. 26). The Wages Order also provides (sec. 31, 32, p. 21) that the raising of wage rates in order to conform with the requirements regarding wages on Government contracts is not a violation of the wages control policy.

The Department of Munitions and Supply lets all contracts on behalf of the Canadian, British and Allied Governments for the manufacture in Canada of munitions and war supplies. It also lets certain contracts for construction work, especially for the construction or alteration of factories to be used for war purposes. Out of these contracts certain standard provisions, including some labour clauses, have emerged, and these provisions have now been embodied in an Order-in-Council so that it is no longer necessary to include them in the individual contracts.

#### **Enforcement of Wage Schedules in Construction Contracts**

P.C. 6801, Nov. 23, 1940.—Whereas the Minister of Labour reports that it is deemed necessary to make provision by regulation for the procedure to be followed to enforce the payment of fair wages in connection with Government contracts under the Fair Wages

and Hours of Labour Act (Chapter 39 of the Statutes of Canada, 1935).

Therefore, His Excellency the Governor-General-in-Council, on the recommendation of the Minister of Labour, and under the provisions of Section 6 of the Fair Wages and Hours of Labour Act (Chapter 39, Statutes of Canada, 1935), is pleased to make

the following regulations and they are hereby made and established accordingly:

1. The Deputy Minister of Labour shall be responsible for the investigation of all claims for the payment of wages at the rates set out in the fair wage schedule embodied in Government contracts and in any case where the actual rates have been less than the rates so set out in the fair wage schedule he shall ascertain the difference between the amounts actually paid to employees and the amounts which they would have received had they been paid at the rates set out in the fair wage schedule.

2. The contractor shall deliver to the Deputy Minister of Labour a cheque payable to the Receiver General of Canada for the total amount of differences ascertained under regulation No. 1, or if settlement has not yet been made with the contractor concerned, then the Department of Government concerned with the contract shall withhold payment of such amount from the contractor and shall deliver to the Deputy Minister of Labour a cheque in the required amount payable to the Receiver General of Canada.

3. The amounts so collected or deducted from contractors and/or other Departments of Government shall be paid to the Receiver General of Canada to be deposited in an account, known as the Fair Wages Suspense Account. In settlement of all claims of individual workers the Deputy Minister of Labour shall authorize the issue of cheques in the appropriate amount in the name of the worker concerned, these cheques to be charged to the Fair Wages Suspense Account.

4. The Deputy Minister of Labour shall endeavour to ensure the safe delivery of these cheques to the workers concerned.

5. In cases where Departments other than that of Labour have occasion through default by the contractor to seize his security and pay off claims direct for wages, then any unclaimed cheques for payment of such wages shall be delivered to the Deputy Minister of Labour with all relevant information concerning each case to be deposited in the Fair Wages Suspense Account.

6. It shall be the responsibility of the Deputy Minister of Labour to maintain adequate records of receipts and disbursements connected with both funds referred to above.

#### **Suspension of Hours Limitations for Certain Defence Projects**

P.C. 3497, Aug. 15, 1940.—[Under authority of the Fair Wages and Hours of Labour Act, 1935, the provisions of that Act which limit the hours of work on construction contracts to eight per day and 44 per week were stated not to apply to the construction of buildings and defence projects at certain specified places and at any other place which might be designated by the Minister of National Defence as a location for training centres or troop concentrations. The purpose of this measure was to permit the rapid construction of accommodation and training facilities which were urgently needed for men called out for military service under the National Resources Mobilization Act.]

#### **Minimum Wages for Manufacture of Equipment**

P.C. 7679, Oct. 4, 1941.—Whereas the Minister of Labour reports that it is necessary in the interests of industrial peace and the furtherance of the war effort to make more effective provision for the payment of minimum wage rates by contractors and subcontractors engaged in the manufacture of supplies for the Government of Canada;

And whereas the Minister of Labour, after consultation with the provincial Ministers of Labour and with the concurrence of the Minister of Munitions and Supply and the Labour Co-ordination Committee, recommends that Order-in-Council dated 30th May, 1941 (P.C. 3884), be rescinded and a new Order made, as hereinafter set forth;

Now therefore, His Excellency the Governor-General-in-Council is pleased to revoke Order-in-Council P.C. 3884 of 30th May, 1941, and it is hereby revoked, effective October 15, 1941.

His Excellency in Council, under and by virtue of the War Measures Act (Chapter 206, R.S.C. 1927), is further pleased to order and doth hereby order as follows:

1. As used in this order, unless the context otherwise requires,

(a) "Minister" means the Minister of Labour or his duly authorized representative.

(b) "Contractor" means any person, firm, or corporation manufacturing munitions of war or products of any nature under any contract, including contracts entered into prior to and still in force on the effective date of this order, with the Government of Canada, or any agency thereof, whether in its own behalf or on behalf of any other Government or agency thereof.

(c) "Subcontractor" means any person, firm, or corporation to whom any part of the work of any such contract is sublet directly or indirectly

(d) "Establishment" means any premises in which any part of the work of any such contract is performed.

2. No contractor or subcontractor shall employ any person, other than an apprentice being trained under an approved long term indenture or other formal written agreement or a handicapped worker employed under special permit issued by the Minister, in any establishment at less than the following minimum wage rates:

(a) For male employees eighteen years of age or over, except with respect to beginners as hereinafter provided, and for any employee regardless of sex or age who holds a certificate of graduation from a recognized pre-employment school under Canada's War Emergency Training Program and is employed in the work for which trained, 35 cents an hour;

(b) For female employees eighteen years of age or over, except with respect to beginners as hereinafter provided, 25 cents an hour;

(c) For male or female employees less than



- eighteen years of age, 20 cents an hour;
- (d) For male beginners without previous experience in the trade or industry, 20 cents an hour for the 1st 4 weeks of employment, 25 cents an hour for the 2nd 4 weeks of employment, 30 cents an hour for the 3rd 4 weeks of employment, and 35 cents an hour thereafter;
- (e) For female beginners without previous experience in the trade or industry, 20c. an hour for the 1st 4 weeks of employment, and 25c. an hour thereafter.

3. No contractor or subcontractor shall at any time, except by written permission of the Minister, employ more than twenty per cent of the total number of employees in any establishment at the beginners' rates provided in subsections 2(d) and 2(e) hereof.

4. For the purpose of determining the minimum wage rate of any beginner pursuant to subsections 2(d) and 2(e) hereof, any period of training which such beginner attended of less than eight weeks under Canada's War Emergency Training Program certified by the director of the school or training centre shall be counted as an equivalent period of employment.

5. If the Minister finds that any contractor or subcontractor has employed any person at less than the applicable minimum wage rate herein prescribed or has otherwise failed to pay all wages properly payable, he shall determine the amount of wages payable but unpaid and, unless the contractor or subcontractor on demand delivers a cheque payable to the Receiver General of Canada for the full amount so determined, shall notify the department or agency of the government concerned with the contract, which shall withhold payment of such amount from the contractor and shall deliver a cheque for the required amount to the Deputy Minister of Labour for the settlement of claims for such wages in the same manner as provided by the Regulations made by Order-in-Council dated 25th November, 1940 (P.C. 6801).

6. (a) Every contractor and subcontractor shall keep in his establishment a true and correct record of the wages paid to and the hours worked each day by each of his employees, together with a register of the names, addresses and ages, if under twenty-one years, of all his employees.
- (b) Every contractor and subcontractor shall furnish such returns showing the number of employees, wage rates, hours

of labour and related matters as the Minister may prescribe.

- (c) Every contractor and subcontractor shall post and keep posted conspicuously in his establishment such placards about wage rates and related matters as the Minister may prescribe.

7. Any contractor or subcontractor, or officer or agent thereof, who fails to comply with any regulation so made or with any provision of this order shall be guilty of an offence and liable on summary conviction to a fine of not more than \$200 for the first offence, and not less than \$500 or more than \$1,000 for the second offence, and not less than \$1,000 for any subsequent offence.

8. This order shall come into force and have effect on, from and after the fifteenth day of October, one thousand nine hundred and forty-one.

#### **Standard Labour Provisions on Contracts Let by Department of Munitions and Supply**

P.C. 6284, July 20, 1942.—[The standard provisions including labour provisions, which apply to Munitions and Supply contracts, are arranged in the following four groups of General Conditions which may be incorporated by reference in the individual contracts: Munitions and Supply, Capital Expenditures, Shipbuilding, and Cost-plus Construction. In all four cases it is provided that the contractor must comply with any labour conditions contained in the individual contract and with any variations or modifications which may be brought into force, that Canadian labour will be used to the full extent to which it is procurable, and that reasonable quotas of men discharged from the fighting services of this and the last war will be employed where available and competent. The General Conditions relating to Munitions and Supply and Shipbuilding require the contractor to comply with all regulations and directions of the Minister of Pensions and National Health or his representatives regarding sanitation, medical care, etc., and the Munitions and Supply Conditions also require observance of provincial or municipal regulations on these matters. The General Conditions relating to Cost-plus Construction require the contractor to comply with all regulations made by any lawful authority and all orders of the engineer designated in the individual contract regarding sanitation and preservation of health, and to make adequate arrangements to the satisfaction of the engineer for the medical and sanitary supervision of all the workers. In shipbuilding the contractor agrees not to hire any workmen employed by other shipyards with Government contracts and to make special efforts to train his own workers.]

#### **Miscellaneous**

For the guidance of employers and workers, the Government has set forth what it considers to be a desirable policy regarding the observance of statutory holidays in Canadian industry. This policy is mandatory for the Dominion Civil Service and the hours of work of the Civil Service have also been extended. A plan for continuous operations in British Columbia shipyards was embodied in an Order-in-Council, but this Order has not been put into effect, its purpose having been achieved in other ways.

### Public Holidays

P.C. 4671, June 7, 1943.—[This Order-in-Council, which replaces two earlier Orders on the same subject, is divided into two parts. The first part is a declaration directed to employers and workers in private industry regarding the observance of public holidays. In addition to Sundays or such weekly rest-days provided instead of Sundays, it is declared the following public holidays and these only should be observed during the war: New Year's Day, Good Friday, Dominion Day, Labour Day, Thanksgiving Day and Christmas Day. Inconsistent provisions of collective agreements should be suspended by mutual consent for the duration of the war, but pending such suspension should continue to be observed. Reasonable opportunity should continue to be given for the performance of religious obligations.]

[The second part of the Order is mandatory. It provides that, notwithstanding the Civil Service Act, only the days listed above will be observed as holidays by the Public Service of Canada. Moreover, notwithstanding the Bills of Exchange Act, only these days will be observed as legal holidays or non-judicial days in all matters relating to bills of exchange. In Quebec, however, the following days will also be observed for this purpose: the Epiphany, the Ascension, All Saints' Day and Conception Day.]

[A provision of an earlier Order-in-Council that Dominion Day would be observed on the first Monday in July rather than on July 1 has been repealed.]

### Continuous Operations, British Columbia Shipyards

P.C. 5480, June 25, 1942, amended P.C. 5650,

June 30, 1942.—[This Order-in-Council, which amplified the provisions of an earlier Order-in-Council, made mandatory a plan for continuous operations in British Columbia shipyards. A three-shift system was outlined under which seven-day operations would be possible, with each worker at the same time enjoying 24 consecutive hours of rest in each week. Provision was made for the appointment of a Committee to settle disputes between employers and workers regarding the operation of the plan and penalties were provided for non-compliance with the Order by either employers or workers.]

[After the Order was passed, a substitute plan was submitted to the Minister of Labour, who agreed not to put into effect for at least 30 days the plan contained in the Order. The amendment of June 30 was therefore passed providing that the Order would not come into effect until a date prescribed by the Minister. A Commission was then appointed to investigate the whole matter and it was later constituted a Board of Conciliation and Investigation. As a result of its efforts, a voluntary scheme was put into effect and was confirmed by agreements between the employers and unions in Victoria (March 22) and Vancouver (May 1). Thus no action was taken under the Order.]

### Civil Service Hours

P.C. 1/10800, Nov. 26, 1942.—[Provides that for the duration of the war the hours of work of all full-time employees of the Public Service of Canada, both at Ottawa and outside Ottawa, shall not be less than 7½ per day on all weekdays but Saturday and not less than four on Saturdays. Provision is also made for staggering the hours of employees in and about Ottawa. The Order came into effect on Dec. 7, 1942.]

## IV—HEALTH, WELFARE, SAFETY AND WORKMEN'S COMPENSATION

Under the War Measures Act, the Dominion Government has assumed a measure of responsibility for ensuring the health and welfare of war workers, a field which is normally restricted to the provincial authorities. Steps have been taken to safeguard health in war plants, to establish day nurseries for the children of married women in war industries and to provide housing and recreational facilities. Provision has also been made for the payment by the Dominion of workmen's compensation to workers in Government-controlled plants, to trainees under the War Emergency Training Program and to others who would not normally be eligible.

Regulations have also been passed regarding the safety and welfare of seamen (pp. 98-101) and of women employed in metallurgical plants (p. 73), and the Government's Declaration of Principles (p. 7) contains a section on health and safety.

### Health, Welfare and Safety

Since shortly after the outbreak of war, a clause inserted in war contracts has required contractors to supply sanitary and medical services to the satisfaction of the Minister of Pensions and National Health (p. 37). For the guidance of the Minister in this regard, an Order-in-Council was issued in March, 1942, setting forth in detail the provisions with which contractors must comply. The Minister or his representative may enter and inspect any premises where work is being carried on under a contract with the Dominion Government or the Government of any Allied or Associated Power,



or in which any of these Governments has a financial interest. The proprietor must, if required by the Minister in writing, maintain a record of sickness and accidents, display posters authorized by the Minister, adhere to standards of cleanliness, lighting, heating and ventilation which are satisfactory to the Minister, provide medical services, and satisfy nutritional standards specified by the Minister in regard to any food which may be provided for the workers.

With married women entering war industries in increasing numbers, the problem of caring for their children has become acute and co-operative action has been taken by the Dominion and provinces for the provision of day nurseries and recreation centres for such children. Agreements have been concluded for this purpose between the Dominion and Ontario and Quebec. The appropriate provincial Minister is responsible for the administration of the scheme in his province.

Steps have also been taken to provide housing accommodation for war workers in congested areas. In March, 1941, Wartime Housing Limited was incorporated under the Dominion Companies Act to provide suitable living accommodation for persons engaged in the production of munitions and supplies and on defence projects. Under the National Housing Act, 1938, advances may be made jointly by the Minister of Finance and approved lending institutions to assist in the construction of houses according to sound standards approved by the Minister. In 1942 the appropriation under the Act was increased and the Act itself was amended by an Order-in-Council under the War Measures Act to permit larger advances than those previously authorized. In October, 1942, the Wartime Leasehold Regulations (Order-in-Council P.C. 8973, November 21, 1941) were amended to permit the Wartime Prices and Trade Board to take measures to ensure the most effective use of existing housing accommodation in congested areas and a Real Property Administrator was appointed. Shortly afterwards a Committee was established to co-ordinate the activities of the various Government departments and agencies concerned with housing and the use of building materials. In April and June, 1943, the Minister of Finance was authorized to acquire large houses in certain congested areas for conversion into multiple dwelling units.

The Dominion is to assist provinces and municipalities in providing facilities for recreation for war workers.

Before the war there was Dominion legislation in effect, embodied in the Explosives Act and the regulations under it, regarding the manufacture, transport and use of explosives, and some of it was designed for the protection of workers. Since the war, further regulations have been issued, and though most of them are for preventing explosives from falling into the hands of unauthorized persons, there is one amendment to the Defence of Canada Regulations which is designed to protect plant and workers.

#### **Health of Workers in "War Contract Premises"**

P.C. 1550, Mar. 2, 1942.—Whereas under Section 9 of the Department of Pensions and National Health Act, the duties and powers of the Minister of that Department shall extend to and include all matters and questions relating to the promotion or preservation of the health of the people of Canada over which the Parliament of Canada has jurisdiction;

And whereas during times of peace, the duties and functions of the Department, in so far as they concern the health of persons engaged in industry, consisted mainly in co-operating with Provincial, territorial and other health authorities;

And whereas in time of war, the said duties and functions have become greatly extended by reason of an undertaking required to be given by contractors with the Government of the Dominion of Canada and with other governments to provide sanitary and medical supervision, supplies, records and services to

the satisfaction of the Minister and by reason, further, of the large number of factories now otherwise engaged in war industry;

And whereas it is recognized that a high standard of health among the workers who are engaged in war industry will directly increase the war effort of the Allied Powers;

And whereas it is deemed advisable that the duties and powers of the officers of the Department of Pensions and National Health in relation to persons who are engaged in war industry be clearly defined.

Now, therefore, His Excellency the Governor-General-in-Council, on the recommendation of the Minister of Pensions and National Health and the Minister of Munitions and Supply, and under the authority of the War Measures Act, Chapter 206, R.S.C. 1927, and of the Department of Pensions and National Health Act, Chapter 39 of the Statutes of Canada, 1928, and notwithstanding anything contained in any other regulation or statute, is pleased to make the following regulations and they are hereby made and established accordingly:—

(1) In these regulations, unless the context otherwise requires,

- (a) "Department" means the Department of Pensions and National Health.
- (b) "Minister" means the Minister of Pensions and National Health.
- (c) "Person" includes a body corporate or politic, a firm, a partnership or association.
- (d) "War Contract Premises" shall mean and include,

(i) Any factory, plant, shop or other similar place in which any work is being or is intended to be carried on by any person under a contract made with the Government of the Dominion of Canada, the Government of any other part of His Majesty's dominions or with the Government of any other Power allied or associated with the Government of the Dominion of Canada in the prosecution of the present war or under a contract made with two or more of said governments, or with any other person having a contract with said governments or any one of them for the doing of work or the supplying of goods for war purposes.

(ii) Any factory, plant, shop or other similar place in which is being carried on any work which is or has been authorized or let by any of said governments and for which the said governments or any of them are or is under obligation to pay.

(iii) Any factory, plant, shop or other similar place in which goods are being produced, manufactured, treated or otherwise dealt with under any direct or indirect contract with any of the said governments for payment of the value of said goods or the cost of said other operations, or with respect to which goods or with respect to their being dealt with as aforesaid any payment is being or has been made by said government to any person concerned in the production, manufacture, treatment or other dealing in same.

(iv) Any factory, plant, shop or other similar place in which the Government of Canada or any of the hereinbefore mentioned governments is directly or indirectly, through control of companies or other agencies or otherwise, carrying on or has any financial interest in work incidental to the prosecution of the said war or manufacturing, producing or otherwise dealing in or with supplies for war purposes.

(2) The Minister, or any officer of the Department authorized by him in writing, may, at any time, enter, examine and inspect any war contract premises, and examine and inspect all equipment and appurtenances relating thereto and all employment or other records whatsoever relating to the business carried on or to be carried on within or about the premises, and the person or persons having the custody, possession or control of such premises, equipment and appurtenances or records shall permit the Minister, or officer so authorized as

aforesaid, to enter such premises and to make such examination or inspection.

(3) The Minister may by order in writing require the owner of any war contract premises or any person who, as a party to any contract with any of the governments enumerated in paragraph (i) of subsection (d) of Section 1 hereof, is carrying on therein or thereon any work or producing any goods relating to such contract, or any person who may be so carrying on work or producing goods under a contract with any government as aforesaid or all or any of such persons

(a) to maintain a record of sickness and accidents according to the Standard Morbidity Code for Canada and to keep said records available for inspection by the Department at any time;

(b) to permit the display of posters authorized by the Minister and to permit the distribution of similarly authorized health and safety literature to and among the employees on the premises;

(c) to keep the said war contract premises at all times in a clean, sanitary condition and provide lighting, heating, ventilation, water and toilet facilities satisfactory to the Minister;

(d) to provide medical, surgical, nursing and preventive services to the satisfaction of the Minister;

(e) to satisfy the nutritional or other standards specified by the Minister with respect to any foods which are or may be provided on the said war contract premises for the employees either by the owner of said premises or by any other person required by law or contract to provide said foods;

(f) to permit a regular physical examination or such examinations at any time of all persons whose duties include the preparation or serving of such foods as are referred to in paragraph (e) above, said examination to be carried out by a medical practitioner provided for under paragraph (d) above or by a medical officer of the Department.

(4) It shall be the duty of the owner of any war contract premises to be constructed, extended or altered, to submit on request of the Department, plans and specifications thereof sufficient to show clearly all provision for water supply, sewage system, ventilation system and such other information and particulars as may be required by the Department relating to health or safety conditions.

(5) Every person who contravenes or fails to comply with any of these Regulations or any order or direction made or given under any of these Regulations shall be guilty of an offence against that Regulation and shall be liable upon summary conviction to a penalty not exceeding five hundred dollars, or to imprisonment for any term not exceeding three months or to both fine and imprisonment.

(6) Where the person guilty of an offence against any of these Regulations is a company or corporation, every person who at the time of the commission of the offence was a director or officer of the company or corporation shall be guilty of the like offence



unless he proves that the act or omission constituting the offence took place without his knowledge or consent, or that he exercised all due diligence to prevent the commission of such offence.

### Day Nurseries

P.C. 6242, July 20, 1942.—[Authorizes the Minister of Labour on behalf of the Dominion to enter into an agreement with any province, in accordance with an attached draft, for the provision of day nurseries, creches and recreation centres for children.

[The draft agreement provides for the administration of the scheme by the appropriate provincial Minister. An Advisory Committee is established by this Minister consisting of a representative of his Department, a representative nominated by the Director of National Selective Service with the approval of the Minister of Labour, and others. It has the duty of keeping informed on matters relating to the employment of mothers in war industries, of inspecting periodically the projects undertaken and of advising the provincial Minister on matters of policy. Local committees are established by the Advisory Committee in each locality where a project is in operation or is to be operated.

[Subject to certain exceptions mentioned below, the Dominion will pay half the expenditure incurred by the province in establishing and maintaining any project which is approved by the Minister of Labour as having facilities and staff of such character as to ensure that the welfare, health and educational and recreational needs of children will be adequately cared for. The Dominion will not contribute to the cost of caring for any child who is physically and mentally capable of attending an elementary or higher school, except, in necessary cases, for the cost of providing noon-day meals when the mother is working in a war industry. If, however, the Advisory Committee recommends that the number of school-age children in any locality is sufficient to warrant such action, the provincial Minister, with the approval of the Dominion Minister of Labour, may provide the necessary equipment and the qualified supervisors to supervise the activities of these children while they are not at school. All facilities provided are primarily for the children of mothers in war industries but the children of mothers necessarily engaged in non-war industries may be admitted provided that they do not exceed 25 per cent of the approved maximum capacity of the individual project and there are no unfilled applications for the admission of eligible children of mothers in war industries. No mother may be discriminated against in her right to use the facilities provided because of her nationality, race, religion or politics, and in placing children the province will have due regard for their religious affiliations.

[The province must bear all its own expenses of administration and also some other expenses such as normal real estate costs. Other costs are shared by the Dominion, but the province must maintain adequate records of all expenditures and commitments and must submit

claims for Dominion contributions within 120 days of the last day of the month in which the relevant expenditure was incurred. By giving one month's notice in writing the Dominion may cease to contribute to any project in which the Minister believes that the standard originally approved is not being maintained.]

### Housing

#### *Amendment of National Housing Act*

P.C. 11047, Dec. 8, 1942.—[The National Housing Act provides that no loan may be made in excess of 80 per cent of the lending value of the house except in the case of a single family dwelling constructed for an owner for his own occupation where the lending value does not exceed \$2,500. In view of the increased cost of building houses and in order to encourage the construction of houses in areas where the Minister of Finance is satisfied that permanent houses can be constructed to relieve a serious housing shortage without threatening to create a post-war surplus, the Act was amended by this Order-in-Council to provide that the Minister may enter into a contract with an approved lending institution for assisting in the building of houses for owner occupancy or sale on the following conditions: the advances made jointly by the Minister and the lending institution may not be less than 70 per cent of the lending value and they may not be more than 90 per cent when the lending value is \$3,200 or less, nor more than 80 per cent when it is \$4,000 or less.]

#### *Housing Accommodation in Congested Areas*

W.P.T.B. Order No. 200, Oct. 20, 1942.—[This Order, which was passed under the Wartime Leasehold Regulations (P.C. 8973 as amended), is designed to secure the maximum use of available housing accommodation in congested areas. It provides that the Real Property Administrator, who was appointed shortly before the Order was issued, may make surveys of housing accommodation in any area in Canada. Moreover, notwithstanding the provisions of any law, by-law or lease, a householder in any of the areas named in a Schedule to the Order may share his accommodation with any person or sublet a portion of it. Under authority of the Order, the Real Property Administrator has added to the list of localities designated in the Schedule.]

#### *Housing Co-ordination Committee*

P.C. 10797, Nov. 26, 1942.—[Establishes a Housing Co-ordination Committee which has the duty of making recommendations regarding housing accommodation and of co-ordinating the activities of all Government departments and agencies concerned with the matter so that available accommodation as well as materials needed for new construction will be used to best advantage. No project involving the provision of new or additional housing, the cost of which exceeds \$1,000, will be undertaken until it has been submitted to the Committee. The Committee consists of the Chairman of the Wartime

Industries Control Board as chairman, the Controller of Construction, the president of Wartime Housing Limited, the Director of National Selective Service, the Director of the Housing Branch of the Finance Department and the Real Property Administrator.]

#### *Conversion of Large Houses*

P.C. 2641, Apr. 1, 1943, and P.C. 4579, June 4, 1943.—[This first of these Orders authorized the Minister of Finance to lease 10 large dwellings in the Ottawa district and the second authorized him to lease 40 additional dwellings in Ottawa and 50 in the Vancouver and Victoria districts. These buildings are to be converted into multiple dwelling units at the cost of the Government, but the cost of conversion may not exceed \$1,500 for any single units. The new units are then to be sublet by the Minister at reasonable rates to suitable tenants. The original buildings are leased from their owners for five years but the Minister may cancel the lease at any time on 30 days' notice. He may also renew the lease for three years. At the termination of the lease the buildings will be returned to the owners in their then existing condition.]

### **Workmen's Compensation**

Under the Dominion Government Employees' Compensation Act, Dominion Government employees or their dependents are paid the same compensation as persons employed by private employers would receive under the Workmen's Compensation Act of the province in which the accident occurs. The amount of compensation is determined by the provincial board and paid by the Dominion Government.

Certain companies producing war supplies or constructing defence projects as agents of His Majesty have been deemed by the Department of Justice to be under the Dominion Act and other companies have been brought under it by special Orders-in-Council. An Order-in-Council has been passed to deal with the administrative problems which have resulted.

The Act has also been extended to cover the following classes: such employees of the companies indicated above as must proceed to the United States, Government employees performing work in Newfoundland, the Yukon or the Northwest Territories, trainees under the War Emergency Training Program (pp. 90-92), persons performing alternative service under the National Selective Service Civilian Regulations, Japanese and other enemy aliens in work camps, employees of the United Kingdom Technical Mission and of the Inspection Board of the United Kingdom and Canada, and members of voluntary organizations who undertake certain work in hospitals.

All war compensation schemes, including special workmen's compensation schemes, are now considered and controlled centrally by the Treasury Board, assisted by a Pensions Advisory Committee (p. 102).

#### **Administration**

P.C. 1913, Apr. 22, 1941.—[Provides for the administration of the Government Employees' Compensation Act in regard to certain employees of the Department of Munitions and Supply, Allied War Supplies Corporation, and certain other companies, corporations and agencies engaged in produc-

#### **Recreation**

P.C. 4703, June 8, 1943.—[The provision of facilities for recreation is normally a local or community responsibility, but because of the increase of population in war production centres, the Dominion Government has decided to assume a certain measure of responsibility in this connection. The Director of National Selective Service is therefore directed to make every effort to negotiate agreements with provinces or municipalities for the provision of recreational facilities for war workers. Subject to the approval of the Governor-General-in-Council, the Minister of Labour may enter into agreements along these lines for the equitable sharing of costs by the Dominion.]

#### **Safety in Explosives Plants**

Defence of Canada Regulations (Consolidation), 1942, Reg. 38A.—[Provides a penalty for any person who smokes or has in his possession a match or other fire-producing device in premises used for producing, treating, handling or keeping explosives. Any person authorized by the proprietor or manager may search anyone entering the premises, but no woman may be searched except by a woman. This regulation was inserted by Order-in-Council P.C. 3561, April 30, 1942.]

ing, dealing in, storing or having control of munitions of war or supplies, or constructing or carrying out any defence project, within the meaning of the Department of Munitions and Supply Act as agent of His Majesty in right of the Government of the United Kingdom and/or the Government of Canada, and under the supervision of the said department and/or Allied War Supplies Corporation, who have been or may hereafter, in the opinion of



the Department of Justice, be deemed to come within the provisions of the said Act, or may have been or may hereafter, pursuant to Orders-in-Council made under the War Measures Act, be deemed to be employees within the meaning and for the purposes of the Government Employees' Compensation Act.

The cost of compensation is charged against the allotments of war appropriations for defence projects and its administration is under the immediate supervision of the officer in charge of the Employees' Compensation Branch of the Department of Transport. A procedure is set forth for the settlement of claims through the agency of the provincial authorities, which is adapted from the normal procedure.

### Employment Outside Canadian Provinces

#### *United States*

P.C. 142/4015, June 5, 1941.—[Provides that the workers specified in Order-in-Council P.C. 1913 (above) will continue to be covered by the Government Employees' Compensation Act if they are required in the course of their employment to perform work or obtain training in the United States. Compensation will be payable on the same terms as if the accident had occurred in the province in which the worker is ordinarily resident.]

#### *Newfoundland*

P.C. 1004, Feb. 8, 1943.—[Provides that Government employees who are required to perform war work in Newfoundland, including the Coast of Labrador, will be covered by the Government Employees' Compensation Act while working in Newfoundland or while proceeding there. Canadians will receive compensation according to the laws of the province in which they are ordinarily resident, while persons not ordinarily resident in Canada will be paid according to the laws of Newfoundland. This Order-in-Council replaces one of Feb. 9, 1942, on the same subject.]

#### *Yukon and Northwest Territories*

P.C. 3650, May 4, 1943.—[Provides that the Government Employees' Compensation Act will apply in the case of employees of the Government of Canada who are ordinarily resident in a Canadian province and who suffer injury or death in the course of their employment while they are performing war work in the Yukon or Northwest Territories. Compensation will be paid as if the accident had occurred in the province in which the worker is ordinarily resident and will not be affected by the length of time the worker is employed in the territory concerned.]

### Trainees under War Emergency Training Program

P.C. 19/4600, June 25, 1941.—[Provides that since trainees under the War Emergency Training Program are not entitled to compensation for accidents under the Government Employees' Compensation Act or the provincial Workmen's Compensation Acts, they

shall be deemed to be employees within the meaning of that term as defined in the Government Employees' Compensation Act for all purposes other than the payment of compensation for temporary disability, but allowing in all temporary disability cases necessary first aid, medical and hospitalization expenses and, in cases where hospitalization is unnecessary, continuance during the period of disability of such subsistence allowance as was being provided to the trainee immediately prior to the time of the causative accident.

Since trainees do not receive a direct wage it is provided that compensation will be payable on the basis of \$12.50 per week, regardless of any minimum rate of compensation in effect in any province.]

P.C. 85/5775, July 30, 1941.—[Made P.C. 19/4600 retroactive to Apr. 1, 1941, since in some provinces training under the War Emergency Training Program was being carried on at that date.]

P.C. 28/7474, Sept. 23, 1941.—[Provided for the extension of the terms of P.C. 19/4600 to persons enrolled in pre-enlistment classes for aircraft mechanics, this training not having been originally under the regular training program. Also provided that persons actively engaged in conducting courses whose salaries were paid or contributed to by the Dominion would be covered by P.C. 19/4600.]

### Men Performing Alternative Service

P.C. 36/4453, June 1, 1943.—[Men who are granted postponement of military training on the ground that they are Mennonites, Doukhobors or conscientious objectors, and others, are required to perform alternative service under Part IIA of the National Selective Service Civilian Regulations (p. 56). Sec. 251 (10) of this Part provides that men performing alternative service will be entitled to benefits under the Government Employees' Compensation Act and that the Minister of Labour may, with the concurrence of the Minister of Transport, prescribe the remuneration which any man will be deemed to have received for the purpose of the Act. The present Order-in-Council which was passed on the recommendation of these two Ministers provides that compensation in the case of permanent disability or death will be based on a wage of \$12.50 per week and in the case of temporary disability on a wage of \$7.40 per week. In the latter case, however, the amount of compensation is reduced by \$4.20 per week for board if the person is receiving board without expense to himself in the place where he has been performing alternative service or while he is in hospital at the expense of the Crown.]

### Japanese and Enemy Aliens

Regulations, Aug. 31, 1942.—[Work camps for enemy aliens including Japanese have been established under an Order-in-Council of Feb. 19, 1942, as amended, [p. 75] which provides that the men in these camps will be under the Government Employees' Compensation Act. They will not, however, re-

ceive compensation for temporary disability though they will receive necessary medical expenses. In the case of permanent disability or death the compensation may not exceed two-thirds of the average weekly earnings of the worker.

[The present Regulations were made by the Minister of Labour under authority of this Order-in-Council and are retroactive to Feb. 19, 1942. They provide that if any worker in a camp or any other alien, including a Japanese, who is employed by the British Columbia Security Commission (now the Commissioner of Japanese placement) suffers an accident for which is required medical aid or hospitalization beyond the facilities of the project where the accident occurs, such medical aid or hospitalization will be arranged in accordance with the Workmen's Compensation regulations and rates in effect where it is provided. In the case of permanent disability, the percentage of disability will be determined in the usual way by the Workmen's Compensation Board of the province in which the accident occurred and in the case of permanent disability or death the form and amount of compensation will be determined by this Board subject to the above provisions of the Order-in-Council of Feb. 19. It may not, however, be determined before the end of the present war, and if the claimant dies before the compensation is determined, nothing will be payable to any heir or dependent who was living outside Canada at the time of the accident. Any amount already paid to or on behalf of the claimant will be taken into account when the final determination is made.]

### United Kingdom Agencies

#### *Technical Mission*

P.C. 1266, Feb. 20, 1941.—[Provides that persons who are paid by the United Kingdom Technical Mission (or any other duly authorized office or agency of the United Kingdom Government) and who have been engaged in Canada, will be eligible for compensation under the Government Employees' Compensation

Act, if they consent in writing. The Government of the United Kingdom has agreed to reimburse the Canadian Government for the expenses incurred.]

#### *Inspection Board*

P.C. 37/1038, Feb. 9, 1942.—[Provides that the following persons employed by the Inspection Board of the United Kingdom and Canada will be covered by the Government Employees' Compensation Act: those employed in Canada, for whom the Order is made retroactive to Nov. 6, 1940; and those employed in another country, except such of them as are covered by some form of insurance under the laws of that country. In the case of the latter group, compensation will be paid as if the accident occurred in Ontario. Costs of compensation are to be defrayed by the Governments of Canada and the United Kingdom on a proportional basis.]

### Voluntary Workers in Hospitals

P.C. 39/10066, Dec. 24, 1941.—[Provides that all persons who, under arrangements made by the Department of Pensions and National Health with the Canadian Red Cross Society, the Canadian Branch of St. John Ambulance Association or any other society, association or group of like nature, are or may be voluntarily performing duties in departmental hospitals as helpers for nurses, or otherwise in assistance to the hospital staff in the treatment branch, shall be deemed to be employees within the meaning of that term as defined in the Government Employees' Compensation Act . . . for all purposes other than the payment to them of compensation for temporary disability, and the amount of compensation to be paid to or in respect of any such voluntary helper under the said Act shall be computed as though the said voluntary helper had been in receipt of a fixed wage of \$12.50 per week at the date of the causative accident. . . .

It is pointed out in the preamble that these voluntary helpers are exposed to many of the hazards incidental to hospital nursing but that they would not normally be eligible for workmen's compensation since they do not receive any wage or salary.]

## V—UNEMPLOYMENT INSURANCE

The Unemployment Insurance Act, 1940, and the regulations connected with its normal administration are not included in this publication, but there are a few wartime Orders-in-Council in the field of unemployment insurance.

An Order-in-Council of January 7, 1942 (P.C. 10156) relaxes the provisions of Item (n) of Part II of the First Schedule of the Act, under which persons who would otherwise be insured against unemployment are not so insured when they are employed in

Employment at a rate of remuneration exceeding in value \$2,000 a year or in cases where employment involves part-time services only, at a rate of remuneration which in the opinion of the Commission is equivalent to a rate of remuneration exceeding \$2,000 a year for full-time service.

There are many persons whose remuneration temporarily exceeds \$2,000 per year purely because of war conditions. The Unemployment Insurance Advisory Committee was, therefore, directed by the Order-in-Council of January 7, "to investigate and report upon the provision of unemployment insurance for all or part of the employments" excepted by Item (n) and since it was anticipated that it would be



some time before the Committee could present a report, it was further provided that persons excepted only by Item (n) would be insured under the Act if, in the case of persons paid on an hourly basis, the basic rate of remuneration did not exceed 90 cents per hour, or if, in all cases, the rate of remuneration exceeded \$2,000 per year because of (1) the payment of a cost of living bonus, (2) overtime or an increase in working hours caused by war conditions, (3) an increase in basic wage rates effective after June 30, 1941, or (4) any other reason which, in the opinion of the Unemployment Insurance Commission, was the result of the war.

The Advisory Committee subsequently presented a report in which it recommended an amendment to the Act, but Parliament has not yet had an opportunity to consider the proposed amendment. The Order-in-Council, therefore, continues in effect.

Provision has been made under Part III of the Post-Discharge Re-establishment Order (p. 111) to place returned soldiers who re-establish themselves in insurable employment on the same footing as far as unemployment insurance is concerned, as persons who have been in such employment during the war. The facilities of the Unemployment Insurance Commission, which have been used extensively in the administration of the Selective Service Program, have been placed under the control of the Minister of Labour for the duration of the war (p. 70). The agreement between Canada and the United States relating to labour on the Alaskan Highway (p. 75) provides that the Canadian Unemployment Insurance Act will apply to all Canadian workers engaged on this and similar projects.

## VI—MANPOWER

Manpower policy in Canada as in other countries has developed gradually. At first, the mere absorption of the unemployed into productive work through the normal operation of the labour market was sufficient to meet most manpower requirements. Positive action by the Government soon became necessary but for over two years it was found sufficient to deal merely with particular problems. In the summer of 1940 a national registration was conducted, compulsory military training was introduced and a special wartime training program was developed out of the existing youth training program. Other measures were passed during the next year but it was not until 1942 that a comprehensive policy began to take form. During that year the administration of all manpower measures, which had previously been the concern of several departments and agencies of Government, was gradually centralized under the Minister of Labour, and the measures themselves became increasingly comprehensive.

The present program applies to the whole labour force, active and potential, and is designed to secure its most effective distribution both within industry and between industry and the armed forces. It is embodied mainly in two sets of regulations: the National Selective Service Civilian and the National Selective Service Mobilization Regulations.

In addition to the measures appearing in this section and the section below on Training, there are several others relating to manpower, notably those on seamen in the subsection on *Manning Pools, Welfare and Training* (p. 98). Reference should also be made to the National Joint Conference Board of the Construction Industry (p. 13) and the standard provisions of Munitions and Supply contracts for ship-building (p. 37).

### Distribution of Manpower in Industry

During the first two years of war there were four measures relating to the distribution of manpower in industry. The first set up an Interdepartmental Committee on Labour Co-ordination, the second prohibited employers from soliciting the services of workers already engaged in war industries, the third established a Wartime Bureau of Technical Personnel (p. 72) and the last authorized the Government to assist

workers in defraying expenses incurred in moving from one locality to another according to the labour needs of war industries.

By 1942 the manpower problem was becoming acute and in March of that year several Orders-in-Council were adopted which together represented a fairly comprehensive policy. A Director of National Selective Service was appointed, provision was made for taking a manpower inventory, a list of restricted occupations was drawn up which no physically fit men of military age could enter without permission, persons wholly or mainly engaged in agriculture were prohibited from entering other employment and steps were taken to facilitate the transfer of persons with technical training to war jobs. Three months later the Order-in-Council relating to restricted occupations was replaced by the Control of Employment Regulations which authorized the Director of National Selective Service to issue orders, on the approval of the Minister of Labour, prohibiting the engagement of workers in any specified class except through the local employment offices of the Unemployment Insurance Commission.

In August, 1942, the National Selective Service Regulations were passed. They consolidated and added to the Control of Employment Regulations and the Orders-in-Council relating to labour enticement, travelling expenses of transferred workers and employment in agriculture. They were supplemented during the next three months by the Labour Exit Permit Order and the University Science Students Regulations.

In January, 1943, the National Selective Service Civilian Regulations consolidated and repealed all the Orders-in-Council mentioned above which had not already been repealed. Thus with some amendments, they embody the present policy with regard to civilian manpower, apart from the curtailment of non-essential industry (pp. 70-71) and certain Orders-in-Council covering special cases (pp. 71-76).

These Regulations direct the Minister of Labour to "take such steps as may be necessary to ensure the efficient use of manpower". They are administered, under the Minister, by a Director of National Selective Service who is assisted by Associate Directors and other staff. A National Selective Service Advisory Board, consisting of representatives of Government Departments and agencies, industry and labour, advises the Director. Local administration is carried on through National Selective Service Officers who are stationed in the Employment and Selective Service offices. These were formerly the Employment and Claims Offices of the Unemployment Insurance Commission and were placed at the disposal of the Minister for the purposes of Selective Service on September 4, 1942.

Employers who expect a change in their labour requirements or who have more labour on hand than is reasonably necessary for their immediate needs, must notify their local offices. Employment may not normally be terminated by either the employer or worker unless seven days' notice is given. With certain exceptions, a permit must be obtained from a Selective Service Officer before a worker may seek, be interviewed for or offered employment, before a farmer may enter employment outside agriculture or before a worker may leave Canada. Permits must also be obtained by employers or workers who wish to advertise for labour or employment.

A Selective Service Officer may direct any person to report to a local office for an interview and he may require an unemployed person to accept suitable employment. He may also request any employed person to change to more important work at the end of seven days. Under an amendment of April 2, the Minister may by order forbid any class of employers to retain in employment without a permit, or may require any employers to terminate the employment of, anyone belonging to an age group which has been designated for purposes of the military call-up. Two orders have so far been issued under this authority. A Selective Service Officer may direct anyone in a designated age group to apply for specified employment, though not for employment which is available because of a labour dispute. Under an amendment of April 7, men whose military training has been postponed on the ground that they are conscientious objectors have been made available for work in agriculture and industry "under conditions which provide for uniform treatment of such persons and at the same time





## ADDENDUM

Three amendments to the National Selective Service Civilian Regulations were passed on June 17, 1943, after this bulletin had gone to press. The first (P.C. 4860) provided that sec. 210 (1) would apply to all boys between the ages of 16 and 19 inclusive, in addition to persons in an age group designated for the purposes of the Mobilization Regulations. The second (P.C. 4861) added sec. 210B to the Regulations, providing that a Selective Service Officer may direct any man between the ages of 16 and 65, inclusive, to accept employment in cutting wood fuel, fishing or fish processing. If the person is employed, the employer must be notified and the employment will be terminated at the end of seven days.

The third amendment (P.C. 4862), which inserts sec. 207A in the Regulations, applies to persons who for at least one week in April 1943 were mainly or wholly employed as teachers in any school, college or university which, in the opinion of the Minister, is not carried on for gain. No teacher as so defined may enter employment outside teaching, and no employer may hire a teacher for such employment, unless the teacher has a permit signed by a Selective Service Officer. This provision does not apply if the teacher enters the armed forces, or takes employment in agriculture or part-time subsidiary employment. A Selective Service Officer may, in accordance with instructions issued by the Minister, furnish a permit to a teacher who is taking other employment either permanently or for a normal vacation period. The Officer may insert in the permit restrictions as to the place, nature and duration of the employment which may be obtained.



will not induce applications for postponement on grounds of conscientious objection." An amendment of May 17 contains special provisions for men with experience in coal mining. It is designed to meet a state of national emergency which has been proclaimed in regard to the production of coal in Canada and was passed on the recommendation of the Minister of Labour after consultation with the Coal Controller, the Chairman of the Emergency Coal Production Board (p. 73), the National Selective Service Advisory Board and the Coal Mining Industry Advisory Committee.

Workers who take employment at the direction of request of a Selective Service Officer may be assisted in defraying any travelling or other expenses involved and they must be reinstated in their former employment. Moreover, under an amendment of April 1 the benefits they enjoyed in their previous employment under group insurance and medical service plans are preserved as far as possible. Appeals may be made to a court of referees from the decision of a Selective Service Officer, either by the person affected or by a representative of his trade union or other similar organization.

Special provision is made regarding professional engineers and other persons with university training in scientific subjects or its equivalent. Any employer who foresees that he will need or will no longer need the services of such a person, or any such person who wishes to obtain new employment, must notify the Minister of Labour in writing, and no contract may be entered into without the Minister's approval. The Minister may request any such person to change his employment, and if the person agrees, his employer must release him and also reinstate him when his special work is finished. University science students are required to state whether they wish to serve in the armed forces and those who on graduation do not volunteer for military service are required to accept such employment in essential work as the Minister directs.

Certain sections of the National Selective Service Mobilization Regulations and other Orders-in-Council in the subsection on Distribution between Armed Forces and Industry (pp. 77-89) permit the deferment of the military training or the release from the armed services of certain key men.

### National Selective Service Civilian Regulations

P.C. 246, Jan. 19, 1943, amended by P.C. 1788, Mar. 5, 1943, P.C. 2586, Apr. 1, 1943, P.C. 2665, Apr. 2, 1943, P.C. 2821, Apr. 7, 1943, P.C. 2907, Apr. 12, 1943, P.C. 3208, Apr. 19, 1943, P.C. 4092, May 17, 1943, and P.C. 4496, June 1, 1943.—Whereas the Minister of Labour reports that, by reason of the war, it is necessary for the security, defence, peace, order and welfare of Canada and for the efficient prosecution of the war, to amend and consolidate the various orders and regulations affecting manpower.

Now, therefore, His Excellency the Governor-General-in-Council, on the recommendation of the Minister of Labour, and under the authority of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and the National Resources Mobilization Act, 1940, is pleased to make the regulations hereto attached and they are hereby made and established accordingly.

#### SHORT TITLE

1. These regulations may be cited as The National Selective Service Civilian Regulations.

#### INTERPRETATION

2. In these regulations, unless the context otherwise requires:

- (a) "advertisement" includes any notice, announcement or information;
- (b) "agriculture" means the production on a farm of field crops, fruits, vegetables, honey, poultry, eggs, livestock, milk, butter or cheese;
- (c) "Associate Director" means an Associate Director of National Selective Service appointed under these regulations;
- (d) "Board" means a Mobilization Board established under the National Selective Service Mobilization Regulations and, with reference to any man, means the Board established for the Division in which he resides;
- (e) "dependent", when used with respect to any person, means some other person dependent for support on the income earned by such person in a business, occupation or employment;
- (f) "Director" means the Director of National Selective Service appointed under these regulations;
- (g) "Division" means a Division established by or pursuant to the National Selective Service Mobilization Regulations;

- (h) to "lay off" means to cease for a period to make use of the services of an employee under circumstances which relieve the employer from remunerating the employee in respect of such period;
- (i) "local office" means an Employment and Selective Service Office, formerly an Employment and Claims Office established by the Unemployment Insurance Commission, or any other office designated by the Minister as a local office for the purpose of these regulations; and in respect of any person, means the nearest local office to the place where he carries on business or is employed or, if he is not in business or employed, to the place where he resides;
- (j) "Minister" means the Minister of Labour;
- (k) "national" includes subject or citizen;
- (l) "peace officer" has the same meaning as in the Criminal Code;
- (m) "person employed in agriculture" means, except in section two hundred, a person who, on the twenty-third day of March, nineteen hundred and forty-two, was wholly or mainly employed or occupied in agriculture and includes any person who, on the said day, was employed or occupied on seasonal work in a primary industry and whose last employment or occupation immediately prior to such employment or occupation in a primary industry was wholly or mainly in agriculture.
- (n) "prescribed" means prescribed by the Minister;
- (o) "primary industry" means lumbering, logging, forestry, fishing and trapping;
- (p) "publish" means to communicate to any person or persons by any means whatsoever;
- (q) "Selective Service Officer" means a National Selective Service Officer appointed under these regulations and in respect of any person means a Selective Service Officer for the area in which such person carries on business or is employed, or if he is not in business or employed, for the area in which he resides;
- (r) "technical person" means a person described in Schedule "A";
- (s) a reference to a section, part or schedule by number only shall be a reference to such section, part or schedule in these regulations;
- (t) words importing the masculine gender include corporations as well as females;
- (u) "year" means a year commencing on the first day of a month of January.

#### PART I: GENERAL

100. The Minister shall carry out the policies of the Government of Canada with reference to the utilization of manpower in the prosecution of the war by the voluntary placement of labour, if that is practical, and shall only exercise the powers of compulsion vested in him by these regulations when, in his opinion, such action is necessary to carry out the policies of the Government.

101. For the purpose of carrying out the policies of the Government, the Minister shall:—

- (a) maintain and operate an employment service in Canada;
- (b) take such steps as may be necessary to ensure the most efficient use of manpower by employers other than His Majesty in right of Canada;
- (c) make such surveys of the manpower resources and needs of Canada as he deems necessary;
- (d) after consultation with the armed services of Canada and the departments and agencies of the Government of Canada whose activities affect or relate to the demand for and the supply of manpower, recommend to each of them such action as, in his opinion, is necessary to co-ordinate such activities and carry out the policies of the Government; and
- (e) after consultation with the armed services of Canada and the departments and agencies of the Government of Canada whose activities affect or relate to the demand for and the supply of manpower, recommend to the Governor-in-Council such action as, in his opinion, is necessary to co-ordinate activities of the armed services of Canada and of departments and agencies of the Government of Canada which affect the demand for or the supply of manpower and such further action as is necessary to achieve the manpower objectives laid down by the Government.

#### PART II: CIVILIAN EMPLOYMENT

##### *Interpretation*

200. (1) In this part, unless the context otherwise requires:

- (a) "court of referees" means a court of referees constituted under section fifty-three of The Unemployment Insurance Act, 1940;
- (b) "employee" means any person who has attained his sixteenth birthday and has not attained his sixty-fifth birthday and who is employed under a contract of service or apprenticeship, written or oral, expressed or implied; includes any person or group or class of persons not employed under a contract of service or apprenticeship when the Minister declares such person or group or class of persons to be an employee for the purposes of this part; but does not include—
  - (i) any person employed by His Majesty in right of any province;
  - (ii) any member of His Majesty's Naval, Military or Air Forces;
  - (iii) any person employed in agriculture, fishing, fish processing, hunting or trapping;
  - (iv) any technical person;
  - (v) any minister, priest or clergyman authorized to perform the marriage ceremony;
  - (vi) any registered nurse, any person



undergoing training to become a nurse or any practical nurse in a private home;

- (vii) any teacher in a school, college or university which, in the opinion of the Minister, is not carried on for gain;
- (viii) any female person employed in domestic service in a private home where not more than one servant is employed;
- (ix) any student when employed only after day classes or on holidays during the school or college term but not when employed during the long summer vacation;
- (x) any person in respect of part-time subsidiary employment which is not his principal means of livelihood;
- (xi) any person in respect of casual or irregular employment for not more than three days in any calendar week for the same employer;
- (c) "employer" means any person having one or more persons in his employ and includes His Majesty in right of Canada, any person acting on behalf of an employer, and in the case of a corporation which is an employer, any officer of the corporation;
- (d) "notice of separation" means a notice given by an employer or employee pursuant to section two hundred and two or a similar notice given under The National Selective Service Regulations, 1942;
- (e) "permit to seek employment" means a permit furnished by a Selective Service Officer pursuant to section two hundred and four or a similar permit furnished under The National Selective Service Regulations, 1942; and
- (f) "urban municipality" means an urban municipality whose population exceeds five thousand.

#### *Supply and Demand*

201. (1) When a person ascertains that he requires or will require to engage an employee or that he will be laying off or discharging an employee, he shall forthwith notify the local office of such requirement or supply the local office with such information as to the employee to be laid off or discharged as may be prescribed.

(2) Any person who has attained his sixteenth birthday and has not attained his sixty-fifth birthday and who, for a period of seven consecutive days, has been unemployed or not gainfully occupied shall, unless he is

- (a) a technical person, or
  - (b) a school, college or university student,
- forthwith register with the local office and supply such information as may be prescribed.

(3) No person shall have in his employment more persons of any particular qualifications than are reasonably necessary for his immediate needs without notifying the local office that the persons whose services are not immediately necessary are available for employment.

#### *Separation from Employment*

202. (1) No employer shall lay off or terminate the employment of an employee without giving him in prescribed form in duplicate

- (a) seven days' notice of separation exclusive of the day on which the notice is given, or
- (b) such shorter notice as the Selective Service Officer allows,

unless

- (i) the employee is employed on building construction work,
- (ii) the employee has been in his employ for a period of less than one month,
- (iii) by reason of weather conditions or by reason of fire, explosion or other calamity, the employee's services cannot be utilized, or
- (iv) the employee has refused to accept a transfer under a collective labour agreement or practice in the industry in accordance with which employees have agreed or are accustomed to transfer from their usual employment to alternative employment with the same employer at a lower rate of remuneration.

(2) Where

- (a) an employee is employed on building construction work,
- (b) an employee has been in an employer's employ for a period of less than one month,
- (c) by reason of weather conditions or by reason of fire, explosion or other calamity, an employee's services cannot be utilized, or
- (d) an employee has refused to accept a transfer under a collective labour agreement or practice in the industry in accordance with which employees have agreed or are accustomed to transfer from their usual employment to alternative employment with the same employer at a lower rate of remuneration,

the employer shall give him notice of separation in prescribed form in duplicate before laying him off or terminating his employment.

(3) Except to undergo alternative service under the National Selective Service Mobilization Regulations or to enter service in His Majesty's Canadian armed forces, no employee shall terminate his employment without giving to his employer in prescribed form in triplicate

- (a) seven days' notice of separation exclusive of the day on which such notice is given, or
- (b) such shorter notice as the Selective Service Officer allows,

unless he is employed on building construction work or has been in the employment for a period of less than one month, in which event he shall give his employer notice of separation in pre-

scribed form in triplicate before terminating his employment.

(4) The Selective Service Officer may, in accordance with principles and directions set out in instructions given by the Minister, allow an employer to give less than seven days' notice under this section; and without limiting the generality of the foregoing, he may do so if he is satisfied

- (a) that it is impossible by reason of
  - (i) the absence from work of another employee or group of employees,
  - (ii) a power shortage,
  - (iii) conditions which might jeopardize the health of the employee,
  - (iv) a shortage of materials, or
  - (v) a breakdown of machinery,
 to give the seven days' notice before the employee's services become unnecessary and that the circumstance making it impossible was, in the opinion of the Selective Service Officer, beyond the employer's control; and

- (b) that the employer cannot use the employee's services in alternative employment;

but when the services are made unnecessary by reason of a shortage of materials or a breakdown of machinery he may not allow the employer to give less than two days' notice.

(5) Where an employer applies for a reduction in the seven days' notice affecting an employee who is a member of a trade union and such employer and the trade union have a collective labour agreement, the Selective Service Officer shall consult with the authorized representatives of the trade union before making his decision.

(6) Every employer shall, on request, furnish an employee with an adequate supply of forms containing the prescribed notice of separation.

(7) Where an employer gives an employee notice of separation under this part the employee shall forthwith acknowledge receipt thereof by signing one copy in the prescribed place and return such copy to the employer.

(8) Where an employee gives an employer notice of separation under this part, the employer shall forthwith acknowledge receipt thereof by signing one copy in the prescribed place and return such copy to the employee.

(9) Every employer who gives or receives a notice of separation under this part shall retain one copy thereof and shall, within forty-eight hours of giving or receiving such notice, deliver a copy thereof to the local office.

(10) The provisions of this part with respect to the giving of notice of separation shall not supersede any law, statutory or otherwise, requiring a longer notice.

(11) No employer or employee shall be bound by this section insofar as it is inconsistent with any right or privilege of the employer or employee, as the case may be, under an existing collective labour agreement which was entered into prior to the first day of September, nineteen hundred and forty-two.

203. (1) Where an employer is of opinion that an employee is guilty of serious misconduct he may give him notice of separation pursuant to section two hundred and two and suspend him from duty forthwith.

(2) An employee may, within seven days of being suspended for serious misconduct, exclusive of the day on which he was suspended, apply in writing to the Selective Service Officer to review such suspension; and, if he does not make such an application, his employment shall be deemed to have terminated when he was suspended.

(3) Where an employee is a member of an association with which his employer has entered into a collective labour agreement which provides for review of a suspension of a member of the association from work, he may not apply under this section to the Selective Service Officer to review a suspension notwithstanding subsection two of this section.

(4) If, upon reviewing a suspension for serious misconduct, a Selective Service Officer finds that the employee was guilty of serious misconduct, the employee's employment shall be deemed to have terminated when he was suspended but if, upon such review, the Selective Service Officer finds that the employee was not guilty of serious misconduct, the employer shall reinstate the employee with full pay from the time the application for review was made and the notice of separation given prior to the suspension shall be of no effect.

#### *Permits to Seek Employment*

204. (1) The Selective Service Officer shall, on request, furnish a permit to seek employment in prescribed form to any employee who presents a notice of separation signed by his employer or to any person other than an employee, and he may, in accordance with principles and directions set out in instructions given by the Minister, insert therein restrictions as to

- (a) the place where employment may be obtained thereunder,
- (b) the employer from whom employment may be obtained thereunder,
- (c) the nature of the employment which may be obtained thereunder, or
- (d) the duration of the employment which may be obtained thereunder.

(2) The Selective Service Officer may, at any time, in accordance with principles and directions set out in instructions given by the Minister,

- (a) cancel a permit to seek employment by notice in writing to the employer and employee effective upon or after the expiration of seven days from the day such notices are mailed, or
- (b) extend the period of employment fixed by a permit to seek employment.

205. (1) Neither an employer nor a person acting or pretending to act on behalf of an employer shall

- (a) interview any person with regard to employment as an employee,
- (b) solicit any person to enter into employment as an employee,
- (c) offer any person employment as an employee, or
- (d) take any person into employment as an employee, unless such person presents to him in duplicate a permit from the Selective Service Officer to seek such employment.



(2) No person shall apply for, accept or enter employment as an employee, unless he has obtained from the Selective Service Officer a permit to seek such employment.

(3) No permit to seek employment is necessary for the re-employment of an employee by an employer,

- (a) within fourteen consecutive days from the day on which the employee was last employed by the employer,
- (b) at the termination of a period of sickness or disability which occasioned the termination of a previous employment of the employee by the employer,
- (c) at the termination of a stoppage of work which resulted from an industrial dispute and terminated the employee's previous employment by the employer,
- (d) pursuant to a collective labour agreement providing preference in re-employment according to service or seniority, or
- (e) upon reinstatement in employment pursuant to this part or The Reinstatement in Civil Employment Act, 1942,

but in any such case, the employer shall, within forty-eight hours of the commencement of such re-employment, deliver notice of such re-employment in prescribed form to the local office.

(4) Where an employer takes an employee into employment, he shall, unless it is a case of re-employment under subsection three of this section,

- (a) record the prescribed particulars of the employment on both copies of the permit to seek employment presented to him by the employee,
- (b) retain one copy of the permit to seek employment on file, and
- (c) within forty-eight hours of taking the employee into his employment, deliver the other copy of the permit to the local office.

206. (1) No employer shall during any day retain in his employment an employee who was, contrary to law, taken into employment without having obtained and presented a permit to seek such employment.

(2) No employer shall retain an employee in his employment during any day if the permit to seek employment pursuant to which he took the employee into his employment has been cancelled pursuant to these or any other regulations or during any day after the period of employment authorized thereby expires.

(3) No employee shall, during any day, remain in any employment which he, contrary to law, entered without having obtained a permit to seek employment.

(4) No employee shall remain in any employment during any day if the permit to seek employment pursuant to which he entered such employment has been cancelled pursuant to these or any other regulations or during any day after the period of employment authorized thereby expires.

#### *Agricultural Employment*

207. (1) No person employed in agriculture shall enter or remain during any day in employment outside agriculture except

(a) active service in His Majesty's Canadian armed forces, or

(b) seasonal or temporary employment outside an urban municipality for not more than sixty days in any year when such employment does not interfere with agricultural production,

unless he has first obtained from the Selective Service Officer a permit in prescribed form to enter or remain in such employment.

(2) No person shall take a person employed in agriculture into employment outside agriculture, or retain during any day a person employed in agriculture in employment outside agriculture except

(a) active service in His Majesty's Canadian armed forces, or

(b) seasonal or temporary employment outside an urban municipality for not more than sixty days in any year when such employment does not interfere with agricultural production,

unless such person presents to him a permit obtained from the Selective Service Officer in prescribed form to accept or remain in such employment.

(3) The Selective Service Officer on request may, in accordance with principles and directions set out in instructions given by the Minister, furnish a permit to a person employed in agriculture to enter or remain in employment outside agriculture and insert therein restrictions as to

- (a) the place where employment may be obtained thereunder;
- (b) the employment which may be obtained or retained thereunder;
- (c) the nature of the employment which may be obtained thereunder; or
- (d) the duration of the employment which may be obtained or retained thereunder.

(4) The Selective Service Officer may, at any time, in accordance with principles and directions set out in instructions given by the Minister,

- (a) cancel a permit furnished under this section by notice in writing to the employer and employee effective upon or after the expiration of seven days from the day such notice is mailed; or
- (b) extend the period of employment fixed by such a permit.

(5) No person shall retain a person employed in agriculture in his employment during any day if the permit pursuant to which he took the person employed in agriculture into his employment, or retained him in his employment, has been cancelled pursuant to this section or during any day after the period of employment fixed thereby expires.

(6) No person employed in agriculture shall remain in any employment during any day if the permit pursuant to which he entered such employment, or remained in such employment, has been cancelled pursuant to this section or during any day after the period of employment authorized thereby expires.

#### *Advertisements*

208. (1) No person shall publish an advertise-

ment offering employment as an employee or seeking employment as an employee except pursuant to and in accordance with a permit obtained from the Selective Service Officer.

(2) Where an application is made to a Selective Service Officer for a permit to advertise under this section, the Selective Service Officer may, in accordance with principles and directions set out in instructions given by the Minister,

- (a) refuse the permit,
- (b) grant the permit subject to such conditions as he deems proper, or
- (c) with the applicant's consent, make such arrangements, at the applicant's expense, as he deems proper.

### *Control of Employment*

209. (1) A Selective Officer may, in accordance with principles and directions set out in instructions given by the Minister, by order in writing direct any person,

- (a) to report for interview at a local office at a time which will not interfere with his work or occupation, if any;
- (b) if the person is unemployed or not gainfully occupied, to apply forthwith for specified employment which, in the opinion of the Selective Service Officer, is suitable and to accept the employment when it is offered to him; or
- (c) if, for more than two consecutive weeks, the person has not been gainfully occupied during normal full time, to apply, within seven days from the time when the direction is given, for specified full time employment which, in the opinion of the Selective Service Officer, is suitable and to accept the employment when it is offered to him,

and every person to whom any such direction is given shall comply with the direction.

(2) An employee shall, for the purpose of this section, be deemed to be unemployed on the termination of a period of seven days from the day his employer gives him a notice of separation or he gives his employer a notice of separation.

(3) When a Selective Service Officer directs an employed person to accept employment under this section, he shall send a copy of the order to such person's employer.

(4) In deciding whether employment is suitable for a person, a Selective Service Officer shall consider such factors as he deems relevant including the person's physical condition, training, experience, prior earnings and personal responsibilities and the distance of the employment from his residence; and he shall not

consider employment to be suitable if the wages are lower, or the conditions of work are less favourable, than either those fixed by collective agreement for the place where the work is to be performed or, if there is no such agreement, those observed by good employers.

(5) When a Selective Service Officer directs a person under this section to accept employment which necessitates changing his place of residence, he shall, in accordance with principles and directions set out in instructions given by the Minister, provide such persons with financial assistance under section two hundred and twelve.

(6) Where a person accepts employment pursuant to a direction given under this section he shall not terminate the employment or cease to perform his duties in the employment, nor shall his employer terminate the employment or lay him off, within six months from the day he enters the employment, without a written permit from the Selective Service Officer.

210. (1) The Minister may by order forbid any employer or group or class of employers to retain in employment after a specified date any person or group or class of persons to whom the National Selective Service Mobilization Regulations apply and who belong to an age class or part of an age class which has been designated for the purpose of the said Regulations, without obtaining a permit in prescribed form from a Selective Service Officer, or may require any employer or group or class of employers to terminate, at such time and in such manner as he may specify, the employment of any such person or group or class of such persons\*.

(2) A Selective Service Officer may, in accordance with principles and directions set out in instructions given by the Minister, by order in writing direct any person, to whose employment an order made by the Minister under sub-section (1) of this section applies, to apply forthwith for specified employment which, in the opinion of the Selective Service Officer, is suitable, to accept such employment if it is offered to him and to enter such employment forthwith upon the termination of his present employment; and sub-sections (3), (5) and (6) of section 209 shall apply *mutatis mutandis* as if enacted in this Section.

(3) A Selective Service Officer shall not, under sub-section (2) of this section, direct any person to apply for employment which is available in consequence of a stoppage of work due to a labour dispute.

(4) If any person refuses to comply with an order of a Selective Service Officer made under sub-section two of this section, the Selective Service Officer shall forward the name and address of such person to the Alternative Service Officer as defined in section two hundred and

\* Two orders have been issued under this authority.

Compulsory Employment Order 1 of May 4, 1943, applies to taverns, liquor, wine and beer stores, barber shops and beauty parlours, retail and wholesale florists, the retail sale of confectionery, candy, tobacco, books, stationery, news, motor vehicles or accessories, sporting goods and musical instruments, waiters, taxi drivers, elevator operators, hotel bell boys, domestic servants and any occupation in or directly associated with entertainment, dyeing, cleaning and pressing, guide service and shoe shining.

Compulsory Employment Order 2 of May 15, 1943, applies to bus boys, charmen and cleaners, custom furriers, dancing teachers, dish washers, doormen and starters, greens keepers, ground keepers, porters (other than in railway train service), private chauffeurs, and any occupation in or associated with retail stores, ice cream parlours and soda fountains, the manufacture of feathers, plumes, artificial flowers, chewing gum, wine, lace goods, greeting cards, jewelry, the distilling of alcohol for beverage and the factory production of statuary and art goods.

Men to whom sec. 210 applies may not be retained in the employments covered by Order 1 after May 19, 1943, or in the occupations covered by Order 2 after June 15.



fifty of these Regulations and such person shall be deemed to be a person to whom Part IIA of these Regulations applies and may be required to perform Alternative Service within the meaning of the said Part IIA in like manner as any other person for whom Alternative Service may be prescribed under the said Part IIA; provided, however, that the provisions of section two hundred and fifty-two shall not be applicable to such person.

(5) For the purposes of this section "Minister" includes any senior officer appointed under these Regulations and designated by the Minister to exercise the powers conferred on him by this section. (P.C. 2665, amended P.C. 2907.)

210A. (1) As used in this section "ex-coal mine worker" means any male person who has attained his eighteenth birthday but not his sixty-fifth birthday and who, since the first day of January, 1935, has been engaged or employed for an aggregate period of twenty-four months or more in the production of coal, either as a skilled or unskilled mine or surface worker, or as a maintenance worker in any coal mine or in the surface facilities thereof or who, on or after the first day of January, 1935, has worked under authority of a provincial coal miner's certificate or licence, and who, on or after the date of this Order, is employed in any employment other than coal mining and, notwithstanding the provisions of section two hundred and seven of these Regulations, shall include any such person who is employed as a wage earner wholly or partly in agriculture, but shall not include any such person who operates a farm whether as an owner, tenant or full-time manager, and shall not include any full-time official of a bona fide union of coal mine workers, and shall not include any person who was engaged or employed exclusively in office or clerical work.

(2) (i) Every employer shall make every reasonable effort forthwith

(a) to advise his employees of the provisions of this section, by the posting of notice or otherwise, and

(b) to determine which of his employees are ex-coal mine workers, by review of his personnel records and otherwise.

(ii) Every ex-coal mine worker who, on or after the date of this order is employed or engaged in any other employment or occupation than as a coal mine worker, shall report his experience as a coal mine worker to his employer before the 26th day of May, 1943.

(iii) Every employer who is not a coal mine operator shall report in writing to a Selective Service Officer before the 2nd day of June, 1943, the name and addresses and experience as a coal mine worker of those of his employees who he has determined are ex-coal mine workers or who have reported experience as a coal mine worker.

(iv) After the first day of June, 1943, no ex-coal mine worker shall continue in any other occupation or employment than that of a coal mine worker, and no employer shall retain any ex-coal mine worker in any other employment than that of a coal mine worker, without the written permission of a Selective Service Officer.

(3) (i) Notwithstanding the provisions of

paragraph (a) of subsection one of section two hundred and nine of these Regulations, a Selective Service Officer may by order in writing direct any ex-coal mine worker to report for interview at a local office at any time.

(ii) If an ex-coal mine worker resides in a place from which the return fare to the nearest Employment and Selective Service Office is more than thirty cents the Selective Service Officer shall arrange to have such ex-coal mine worker report in writing.

(4) (i) Unless the Selective Service Officer finds that any ex-coal mine worker is not suitable for employment as a coal mine worker, he shall, by order in writing, direct him to give his present employer forthwith notice of separation pursuant to the provisions of section two hundred and two of these Regulations, and shall direct him to apply forthwith for specified employment as a coal mine worker, to accept such employment, and to enter such employment forthwith upon the termination of his present employment; and sub-sections three and six of section two hundred and nine shall apply *mutatis mutandis* as if enacted in this section.

(ii) A Selective Service Officer may, in accordance with principles and directions set out in instructions given by the Minister, by order in writing direct any person to whom the National Selective Service Mobilization Regulations apply and who belongs to an age class or part of an age class which has been designated for the purpose of the said regulations and who after examination has been found unfit for military training or who is a conscientious objector within the meaning of the said regulations or a Mennonite or a Doukhobor entitled to a postponement order under the said regulations to give his present employer forthwith, notice of separation pursuant to the provisions of Section 202 of these regulations and may direct him to apply forthwith for specified employment as a coal mine worker, to accept such employment and to enter such employment forthwith upon the termination of his present employment and subsections three and six of section two hundred and nine shall apply *mutatis mutandis* as if enacted in this section and all of the provisions of this section regarding ex-coal miners shall apply to persons directed to employment pursuant to this paragraph.

(5) (i) Subject to the provisions of section two hundred and three of these Regulations, no employer shall terminate the services of any coal mine worker without the written permission of a Selective Service Officer.

(ii) No person employed as a coal mine worker shall terminate his employment without the written permission of a Selective Service Officer.

(6) Every ex-coal mine worker, who is directed to accept specified employment as a coal mine worker, pursuant to the provisions of this section, shall be paid regularly by his employer not less than the full-time wage for the full-time hours of work established by custom or agreement and actually worked in the mine in which he is employed.

(7) (i) If the Selective Service Officer does not refer an ex-coal mine worker immediately

to a suitable vacancy as a coal mine worker, he shall pay him from and after the date of the termination of his present employment and until the Selective Service Officer directs him to enter employment, at the rate of forty cents per hour on the basis of an eight-hour day and forty-eight-hour week.

(ii) All expenditures made pursuant to the provisions of this subsection shall be chargeable to the War Appropriation.

(8) The Selective Service Officer may pay to ex-coal mine workers supplementary allowances pursuant to the provisions of subsections one, two, five, and seven of section two hundred and twelve of these Regulations; and, notwithstanding the provisions of subsection three of section two hundred and twelve of these Regulations, may pay to every ex-coal mine worker who is directed to take employment which, in the opinion of the Selective Service Officer, requires him to be separated from his dependents, the amount of his living expenses, but not exceeding \$7.50 per week for the duration of such separation unless his new employer furnishes him board and lodging without charge.

(9) (i) No person directed to employment as a coal mine worker, pursuant to the provisions of this section, and no person who, as his sole or main occupation, is engaged or employed as a coal mine worker shall be accepted prior to February 1st, 1944, for enlistment in any branch of the Armed Forces of Canada, unless such person has first obtained a permit to enlist, furnished by a Selective Service Officer.

(ii) Every person directed to employment as a coal mine worker pursuant to this section and every person who as his sole or main occupation is engaged or employed as a coal mine worker shall be deemed to have been granted a postponement order until the 1st day of February, 1944, pursuant to the National Selective Service Mobilization Regulations (Order-in-Council, P.C. 10924, December 1st, 1942, as amended) and an 'Order-Medical examination' or an 'Order-Military training' shall not be sent to any such person unless a Selective Service Officer has given his consent in writing to the sending of such notice.

(iii) If an 'Order-Medical examination' or an 'Order-Military training' is sent contrary to this section it shall be null and void if the person to whom it is sent delivers it to his employer and the employer returns the notice to the Registrar by whom it was sent.

(iv) No person, whether or not an employer as defined in clause (c) of subsection one of section two hundred of these Regulations, shall take any ex-coal mine worker into employment whether or not such employment is as an employee within the meaning of paragraph (b) of subsection one of section two hundred of these Regulations, unless such ex-coal mine worker presents to him in duplicate a permit from the Selective Service Officer to seek such employment. (P.C. 4092)\*.

211. Where in the opinion of a Selective Service Officer, it is in the national interest that an employed person take employment other than that in which he is employed, the Selective Service Officer may request him to accept such employment at the expiration of seven consecutive days from service on his employer, either personally or by registered post, of a notice that such request is made pursuant to these regulations; and the person to whom such request is made may accept such employment at the expiration of such time notwithstanding his contract of employment or any law, statutory or otherwise, to the contrary.

#### *Supplementary Allowances*

212. (1) Where a Selective Service Officer has directed or requested a person to take employment and deems it necessary for the efficient placement of workers he may, in accordance with principles and directions set out in instructions given by the Minister

- (a) advance such person an amount not exceeding his necessary travelling expenses from the place where he was when he was requested to take the employment to the place of employment;
- (b) advance such person an amount not exceeding his necessary travelling expenses from the place of employment to the place where he was when he was requested to take the employment or to a place equidistant from the employment;
- (c) if, in his opinion, it is necessary to move such person's dependents, advance him an amount not exceeding the necessary travelling expenses for his dependents and other necessary expenses arising out of his change of residence; and
- (d) pay him an amount substantially equivalent to the remuneration which, in the Selective Service Officer's opinion, he would receive from such employment during the period equal to the time necessarily spent travelling to the place of employment.
- (e) advance such person an amount not exceeding his necessary expenses for work clothing.

(2) A person to whom an advance is made under subsection one of this section shall repay the amount thereof to the Crown upon demand but he shall be deemed to have repaid to the Crown in respect of such advance five dollars for each week during which he remains in the employment which he accepted on the direction or at the request of the Selective Service Officer; and if he remains in the employment for the period which he was, pursuant to this part, directed or requested to remain, or if, for reasons beyond his control, he does not enter the employment which he was directed or requested to take, he shall be deemed to have repaid the full amount of the advance.

(3) Where a Selective Service Officer directs

\* Order-in-Council P.C. 4092 further provides that, in spite of any Dominion or provincial law, boys who have reached the age of 16 may be employed as coal miners and girls who have reached the age of 18 may be employed as surface workers. Moreover, the Governor-in-Council requests the appropriate provincial authorities to co-operate in meeting the national emergency by modifying the qualifying standards for certified mine workers or by granting emergency certificates. He also calls the attention of operators to the facilities of the War Emergency Program as a possible agency for training coal miners.



or requests a person to take employment which involves a change of residence and requires him to be separated from his dependents, and the earnings from the employment are not, in the opinion of the Selective Service Officer, sufficient to compensate him for the increased cost of living occasioned by the separation, the Selective Service Officer may, in accordance with principles and directions set out in instructions from the Minister, pay him a supplementary living allowance not exceeding five dollars for each week he is in such employment.

(4) Where a Selective Service Officer has, under this part, directed or requested an employed person to take employment at a lower rate of remuneration than he is receiving, the Minister may pay him or authorize the employer notwithstanding the Wartime Wages Control Order to pay him, a supplementary allowance not exceeding five dollars for each week he remains in the employment.

(5) Where a Selective Service Officer directs or requests a person to take employment, he may, in accordance with principles and directions set out in instructions from the Minister, advance him an amount not exceeding fifteen dollars to defray living expenses during the first week of employment, and the person to whom such advance is made shall repay the amount thereof to the Selective Service Officer within forty-eight hours from receiving his first normal wages or salary from the employment or within such further period as the Selective Service Officer may allow.

(6) Payments under subsections three and four of this section may be made to the person to whom the supplementary allowance is granted or to his employer on his behalf; and where any such payment is made to an employer, the employer shall pay it to the person to whom the supplementary allowance is granted within one month from the receipt thereof. (Amended, P.C. 2665)

(7) Where an advance is made under subsection one of this section for travelling expenses, the Selective Service Officer may pay the amount thereof or any part thereof to a transportation company in payment of transportation for the person to whom the advance is made.

#### Reinstatement

213. (1) Where a Selective Service Officer directs or requests an employed person to accept other employment under this part and notifies the employed person's employer that such direction or request is made pursuant to these regulations and the employed person thereupon accepts such employment, the provisions of The Reinstatement in Civil Employment Act, 1942, shall apply *mutatis mutandis* to the reinstatement of such person upon the termination of the work which he has been directed or requested to accept.

(2) Where a person terminates the employment of another person pursuant to an order made under these regulations, the provisions of The Reinstatement in Civil Employment Act, 1942, shall apply *mutatis mutandis* to the reinstatement of the person whose employment has been terminated when the Minister certifies

that such person is no longer required for other work.

#### Appeals

214. (1) Where a Selective Service Officer refuses to grant or cancels a permit, or makes an order, direction or ruling under this part, a person affected thereby, or a representative of a trade union or similar organization to which a person affected thereby belongs, may appeal therefrom to a court of referees by a notice in writing containing a statement of the grounds of the appeal filed in the local office within seven days from the time when the permit was refused or cancelled or the order, direction or ruling was made.

(2) The members of the court of referees to which an appeal is referred shall be chosen in the same manner as in the case of an appeal to a court of referees under The Unemployment Insurance Act, 1940.

(3) The court of referees to which an appeal is referred shall consider and determine the appeal as soon as possible after receipt of the notice of appeal and its decision thereon shall be final and conclusive.

(4) An appeal may, with the consent of the appellant but not otherwise, be proceeded with in the absence of any member or members of the Court other than the chairman.

(5) No person shall be a member of a court of referees during the consideration of an appeal

(a) in which he is or may be directly interested;

(b) in which he is or has been a representative of the appellant or other interested person; or

(c) in which he has taken any part either as a witness or otherwise.

(6) The appellant when filing his notice of appeal may apply, by notice in writing filed in the local office, for a hearing; and the chairman of a court of referees may refuse an application for a hearing or he may, whether or not an application for a hearing has been made, direct that there shall be a hearing.

(7) If the number of members of the court of referees is an even number, the chairman shall have a second or casting vote.

(8) The procedure on a hearing shall be determined by the chairman of the court of referees.

(9) A court of referees shall not decide an appeal until a reasonable opportunity has been given to the claimant to make any representations which he desires the Court to consider in making its decision; and in any case where a hearing has not been directed, the claimant shall be given an opportunity of making representations to the court of referees in writing and if he fails to do so, he shall be deemed to have had such reasonable opportunity.

(10) Any person who appears before a court of referees shall do so at his own expense.

(11) The Minister may publish a decision of the court of referees if and as he deems proper.

(12) For the purposes of remuneration, a court of referees functioning under this part shall be deemed to be functioning under the Unemployment Insurance Act, 1940. (Amended, P.C. 2665)

PART II A:—CONSCIENTIOUS OBJECTORS\*  
(P.C. 2821)

250. In this part unless the context otherwise requires,

- (a) "alternative service" means any work or project prescribed by the Minister to be performed in lieu of military training by men to whom postponement orders have been granted under The National Selective Service Mobilization Regulations or The National War Services Regulations 1940 (Recruits) on the ground that they are Mennonites, Doukhobors or conscientious objectors;
- (b) "Alternative Service Officer" means a Selective Service Officer designated by the Minister to act as the Alternative Service Officer for any area for the purpose of this part; and in respect of any person means the Alternative Service Officer for the area in which such person carries on business or is employed, or if he is not in business or employed, for the area in which he resides; and
- (c) "person to whom this part applies" means a person to whom a postponement order has been granted under section thirteen of The National Selective Service Mobilization Regulations or The National War Services Regulations 1940 (Recruits) on the ground that he is a Doukhobor, Mennonite or conscientious objector.

251. (1) The Alternative Service Officer may from time to time serve a person to whom this part applies or cause him to be served, either personally or by registered mail, with an order to report at the time and place and to the person therein specified to carry out alternative service.

(2) Every person upon whom an order is served under this section shall comply with the order and shall live in such place or places under such circumstances and perform such alternative service as may from time to time be prescribed by the Minister.

(3) The Minister shall pay not less than fifty cents per day to every person performing alternative service under this section and may pay not more than seventy-five cents per day to any such person who has been appointed a sub-foreman and not more than one dollar per day to any such person who has been appointed a foreman; but no such man shall be provided with clothing at public expense.

(4) The Minister may make arrangements with any department of the Government of Canada or enter into an agreement with the government of any province for the organization and operation of a place or places where persons may be required to report and perform alternative service under this section; and any such agreement may provide for

- (a) the payment of, or reimbursement for, all or any part of the cost of operating such place or places including any necessary capital outlay, rental of premises or equipment, cost of food and other supplies, the remuneration provided for by subsection

three of this section, cost of tobacco, clothing and other goods to stock canteens, and salaries for necessary officers and employees;

- (b) the employment of necessary officers and employees;
- (c) the nature of the alternative service to be carried out and the conditions under which it is to be carried out;
- (d) the living conditions to prevail in such place or places; and
- (e) medical attention to be provided for persons required to attend such place or places;

and notwithstanding the provisions of the Civil Service Act, such agreement may provide that the necessary officers and employees for such place or places may be employed by some person specified therein on such terms as may be therein provided.\*

(5) Any person who is placed in charge of a place pursuant to an arrangement or agreement under this section may give to persons required to report to such place pursuant to this section, and delegate to others authority to give to such persons, all orders reasonably necessary for discipline in such place or for the proper performance of the alternative service which they are required to carry out.

(6) The Minister may prescribe rules for the regulation

- (a) of any place to which persons are required to report under this section and of the conduct of persons required to report to a place pursuant to this section; and
- (b) of the performance of alternative service.

(7) The Alternative Service Officer may, for any reason which he deems proper, from time to time, grant to a person who is required to perform alternative service, leave of absence without remuneration for such period as the Alternative Service Officer may determine; and a person who fails to report to such place as the Alternative Service Officer may specify at the expiration of such period or on cancellation of the leave before the expiration thereof is guilty of an offence and liable on summary conviction to imprisonment for a term of twelve months, with or without hard labour, or to a fine of not less than fifty dollars and not exceeding two hundred dollars, or to both such imprisonment and such fine.

(8) A man required to report pursuant to this section

- (a) who fails to report as required by an order sent to him by the Alternative Service Officer;

\* Order-in-Council P.C. 2/3514, Apr. 29, 1943, authorizes a draft agreement to be entered into between the Minister of Labour of Canada and the Minister of Lands of British Columbia. Under it alternative service workers not exceeding 600 in number may be required to perform work for the protection and conservation of the forest resources of British Columbia, since that province itself is unable to provide the increased protection necessary to cope with the wartime situation. The work is directed by the provincial Minister under the supervision of the Lands, Parks and Forests Branch of the Dominion Department of Mines and Resources. Assignment of workers is arranged jointly by the Lands, Parks and Forests Branch and the National Selective Service administration. This agreement is for the fiscal year 1943-44 and replaces an agreement which was in effect during the preceding fiscal year.

\* This Part was made effective from May 1, 1943, by Order-in-Council P.C. 3097 of April 15, 1943.



- (b) who leaves, without lawful authority, a place where he is required to be under this section;
- (c) who fails to obey an order lawfully given pursuant to subsection five of this section;
- (d) who fails to comply with any rule made pursuant to subsection six of this section; or
- (e) who, upon being transferred from one place to another, fails to obey an order given by a person lawfully in charge of him;

is guilty of an offence and liable upon summary conviction to imprisonment for a term not exceeding twelve months with or without hard labour, or to a fine of not less than fifty dollars and not exceeding two hundred dollars, or to both such imprisonment and such fine.

(9) Where a man is convicted of an offence under subsection seven or eight of this section for failing to report as required, the Justice or Justices of the Peace, Magistrate, Judge or Court before whom he is so convicted shall, if counsel or other person acting for the Crown so requests, in addition to imposing the punishment therein provided for, direct that such man shall be taken either forthwith or upon the expiration of his term of imprisonment, if any, in police custody to a place specified by the Counsel or other person acting for the Crown and delivered to the person in charge thereof.

(10) A man required to report pursuant to this section shall, during the time he is performing alternative service, be entitled to receive benefits under the Government Employees Compensation Act, as though he were an "employee" as defined by that Act and the Minister, with the concurrence of the Minister of Transport, may prescribe the remuneration a man shall be deemed to have received for the purpose of such Act.\*

(11) Subject to subsection ten of this section, the Crown shall not be liable in respect of any claim arising out of the disability, illness or death of any person ordered to report under this section.

(12) All rules, directions, notices and orders prescribed, given, served or made under The National Selective Service Mobilization Regulations or under the National War Services Regulations 1940 (Recruits) shall as far as applicable, be deemed to have been given, served or made *mutatis mutandis* under this section.

252. (1) The Alternative Service Officer may from time to time serve a person to whom this part applies or cause him to be served, either personally or by registered mail, with an order requiring him to apply forthwith for such employment in agriculture, industry or elsewhere as may be specified in the order or by a Selective Service Officer named in the order and to accept the employment if it is offered to him upon such terms, not inconsistent with paragraphs (a) to (e) inclusive of subsection five of this section, as are specified in the order or by the Selective Service Officer named in the order.

(2) The Alternative Service Officer may at any time by an order served upon the employer

and employee terminate employment which has been entered into pursuant to an order made under this section.

(3) No person shall terminate employment which has been accepted pursuant to this section without the consent in writing of the Alternative Service Officer.

(4) Every person who accepts employment pursuant to an order made under this section shall perform his duties under his contract of employment to the best of his ability.

(5) The employment of any person under this section shall be subject to the terms set out in the order pursuant to which the employment was accepted and to the following provisions:

- (a) if the employment is in agriculture, the employer shall supply board and lodging for the employee and in addition thereto shall pay in respect of the employment such wages as may be prescribed by the Minister;
- (b) if the employment is outside agriculture, the employer shall pay in respect thereof wages at the rate, if any, fixed by collective agreement for the place where the work is to be performed, or, if there is no such agreement, at the rate paid by good employers;
- (c) if the employment is in agriculture, the employer shall pay to the employee, out of wages payable to him under this subsection, twenty-five dollars per month, unless the wages are less than twenty-five dollars per month, in which event he shall pay him the full amount thereof;
- (d) if the employment is outside agriculture, the employer shall supply board and lodging to the employee or pay him an allowance fixed by the Minister in lieu thereof and shall in addition pay him
  - (i) the amount by which the wages payable in respect of the employee exceed the aggregate of the allowance for board and lodging as fixed by the Minister and amounts which he is required by law to pay out of the wages to other persons, if such amount is not in excess of twenty-five dollars; or
  - (ii) twenty-five dollars per month if the amount, by which the wages payable in respect of the employee exceed the aggregate of the allowance for board and lodging as fixed by the Minister and amounts which he is required by law to pay out of the wages to other persons, is in excess of twenty-five dollars, and
- (e) the employer shall, each month, pay to the Canadian Red Cross Society, or to some person designated by the Minister to receive it on behalf of the Canadian Red Cross, the amount by which the wages payable in respect of the employee for that month exceed the aggregate of
  - (i) the amount payable to the employee under this subsection;

\* The remuneration is prescribed by an Order-in-Council of June 1, 1943 (p. 43).

- (ii) amounts, if any, which he is required by law to pay to other persons and
- (iii) if the employment is outside agriculture, the allowance for board and lodging prescribed by the Minister.

(6) The Canadian Red Cross Society may recover as a debt by action in any court of competent jurisdiction any amount payable to it under subsection five of this section or the Attorney-General of Canada may recover any such amount on behalf of the Canadian Red Cross Society, in any court of competent jurisdiction, as a debt due to the Crown.

(7) The Minister may, after consultation with the Minister of Agriculture for a province fix a wage rate which shall be paid in the province or any part thereof in respect of agricultural employment under this section.

(8) Every person who contravenes any of the provisions of this section is guilty of an offence and liable on summary conviction to a fine of not less than fifty dollars and not more than two hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

253. (1) When an Alternative Service Officer orders a person to report for alternative service or to take employment under this part, he may pay such person an amount not exceeding his necessary travelling expenses from the place where such person is when the order is served on him to the place at which he is ordered to report or to the place of employment, and the Alternative Service Officer may pay such amount or any part thereof to a transportation company on behalf of such person in payment of his transportation.

(2) Where an Alternative Service Officer has ordered a person to report for alternative service or to take employment under this part and, in his opinion, it is necessary for the efficient operation of this part, he may pay such person an amount not exceeding his necessary travelling expenses from the place at which he was ordered to report or his place of employment to any other place or to such latter place and back and the Alternative Service Officer may pay such amount or any part thereof to a transportation company on behalf of such person in payment of his transportation.

254. (1) The Alternative Service Officer may, pursuant to section two hundred and fifty-one, order a person to whom this part applies to report for alternative service notwithstanding that such person is in employment which he has accepted pursuant to an order made under this part.

(2) The Alternative Service Officer may, pursuant to section two hundred and fifty-two, order a person to whom this part applies to apply for and accept employment notwithstanding that such person is in other employment which he has accepted pursuant to an order made under this part or is performing alternative service.

### PART III: TECHNICAL PERSONNEL *Interpretation*

300. In this part unless the context otherwise requires

- (a) "employer" includes His Majesty in right of Canada and in right of any province;
- (b) "essential work" means work which is, in the opinion of the Minister, essential to the efficient prosecution of the war;
- (c) "minister" includes any person designated by the Minister to act on his behalf under this Part;
- (d) "science student" means a male person who has registered at a university as a full-time student during all or part of the academic year for a course the successful completion of which, in the opinion of the Minister, will qualify the person as a technical person; and
- (e) "University" means any person or group of persons, including His Majesty in right of any province, administering or operating a university or college which is, in the opinion of the Minister, properly equipped and staffed to train persons to be technical persons.

### *Supply and Demand*

301. (1) When a person ascertains that he requires or will require to engage a technical person or that he will be laying off or discharging a technical person, and when a person discharges or lays off a technical person, he shall forthwith supply the Minister at Ottawa with such information as to his requirements or the technical person discharged or laid off or to be discharged or laid off as may be prescribed.

(2) When a technical person desires to obtain new employment or is, or knows that he is going to be, unemployed or not gainfully occupied full time on work of a kind for which he is especially qualified, he shall forthwith supply the Minister at Ottawa with such information as may be prescribed.

### *Control of Employment*

302. (1) No person shall, without the approval of the Minister, enter into a contract or arrangement for the services of a technical person except a contract or arrangement in respect of part-time subsidiary employment which is not the technical person's principal means of livelihood.

(2) No person shall make use of the services of a technical person during any day and no person shall pay any remuneration or salary to a technical person in respect of any day if the employment or arrangement under which he is employed came into operation without the approval required by these regulations or any other regulation.

### *Employment Changes*

303. (1) Where, in the opinion of the Minister, any technical person, other than a member of His Majesty's Canadian armed forces, is capable of contributing more effectively to the war effort in essential work other than that, if any, upon which he is engaged, the Minister may request him to take employment in such work and notify his employer of such request.

(2) Where a technical person agrees to accept work pursuant to a request by the Minister under this section, the employer of the technical person may make representations in writing to the Minister at Ottawa but if the Minister does not



withdraw his request within thirty days from the day notice thereof is sent by registered mail to the employer at his place of business, the employer's employment of such person shall be terminated at the end of such period.

(3) Where a technical person enters employment on work which is, in the opinion of the Minister, essential work and the Minister notifies the employer by whom the technical person was employed immediately before entering such employment that he approves the arrangements for such employment, the technical person shall be deemed to have entered into the employment at the request of the Minister.

#### *Reinstatement*

304. (1) Where a technical person has entered employment on essential work at the request of the Minister, the employer by whom he was employed immediately before entering the employment on such work shall reinstate him at the termination of his employment on the essential work in a position and under circumstances not less favourable than the position which he would have held and the circumstances which would have been applicable to him had he not entered such employment.

(2) No person is required, by reason of subsection one of this section, to reinstate a former employee who entered employment in essential work at the request of the Minister if

- (a) the former employee does not, within two weeks from the termination of his employment on essential work, apply to the employer for reinstatement;
- (b) the former employee fails without reasonable excuse to present himself for employment at a time and place notified to him by the employer after his request for reinstatement;
- (c) by reason of a change of circumstances, other than the employment of some person to replace him, it is not reasonably practicable to reinstate him;
- (d) his reinstatement in a position and under conditions not less favourable to him than the position which he would have held and the circumstances which would have been applicable to him had he not undertaken the essential work is impracticable and the employee refuses, within a reasonable time, to accept the most favourable position under the most favourable conditions in which it is reasonably practicable for the employer to reinstate him;
- (e) the former employee is physically or mentally incapable of performing the work available in the employer's service; or
- (f) the former employee was originally employed to replace a person who had been accepted for service in His Majesty's Forces or to replace a person who entered employment in essential work at the request of the Minister.

(3) Where an employer has reinstated a technical person pursuant to this section, he shall not discharge him or lay him off without reasonable cause; and if he discharges him or lays him

off within six months of the reinstatement, the onus shall be on the employer to prove that he had reasonable cause for so doing.

(4) Where an employer has entered into an agreement with his employees, some or all of whom are technical persons, that he will re-employ employees who leave his employment for employment in essential work, such agreement shall continue in force to the extent that it is not less advantageous to an employee than this section.

(5) No person is, by reason of this section, relieved of any obligation under a collective or other agreement.

(6) Where a person fails to reinstate a technical person who entered employment on essential work at the request of the Minister as required by this section or, contrary to this section, discharges or lays off a technical person without reasonable cause, he shall pay to the technical person an amount equal to three months' remuneration at the rate at which the technical person was being remunerated immediately prior to entering employment on essential work at the request of the Minister and, if he does not do so, the technical person may recover such amount as a debt in any court of competent jurisdiction.

#### *University Science Students*

305. (1) The armed forces of Canada, the departments and agencies of the governments of Canada and of the provinces of Canada, and all other persons employing technical persons from time to time at the request of the Minister, shall supply him with such information as he may specify with reference to their present or future requirements of technical persons for essential work.

(2) Every university, from time to time, shall supply the Minister with such information as he may require with reference to science students registered with the university.

(3) If at any time, in the opinion of the Minister, the number of science students in the universities should be increased, he shall recommend to the universities the steps which ought to be taken to train the necessary number of technical persons.

306. (1) Before a person is permitted to commence or continue work as a science student he shall make a declaration in a form prescribed by the Minister indicating whether he wishes to volunteer for service in the armed forces of Canada as a technical officer.

(2) Every university, from time to time, shall at the request of the Minister, supply him with a list of the names of the science students who wish to volunteer for service in the armed forces as technical officers; and the Minister shall from time to time select therefrom the names of persons who, in his opinion, will fulfil the requirements of each branch of the armed forces and shall submit lists of such names for the consideration of the various branches of the armed forces.

(3) Every science student shall submit to such medical examination as the Department of National Defence may from time to time require.

307. (1) If at any time, the number of science students who wish to volunteer for service in the armed forces as technical officers is not adequate, in the opinion of the Minister, after consultation with the armed services of Canada and the departments and agencies of the Government of Canada whose activities affect or relate to the demand for and the supply of manpower, he may request any science student to accept such status in the reserve army and undergo such military studies and duties, whether during the academic year or not, as he may specify.

(2) No university shall retain any person in the university as a science student if such person refuses to accept status in the reserve army or to undergo military studies and duties as requested by the Minister pursuant to this section.

308. The Department of National Defence and the Department of Munitions and Supply shall provide such facilities for the training of science students as the Minister may from time to time require.

309. Every person who completes a course as a science student at a university and does not volunteer for service in the armed forces of Canada shall accept employment in such essential work as the Minister may require and remain in such employment during each day the Minister so requires.

310. No person, whether acting or pretending to act on behalf of any of the armed forces or any department or agency of government or not, shall,

- (a) interview any science student, either before or after graduation, with regard to any employment, office or position;
- (b) solicit any science student, either before or after graduation, to enter any employment or to accept any office or position;
- (c) offer any science student, either before or after graduation, any employment, office or position; or
- (d) take any science student, either before or after graduation, into any employment or give him any office or position;

except by or with the consent of the Minister.

#### PART III A:—GROUP INSURANCE (P.C. 2586)

350. In this part unless the context otherwise requires

- (a) "Central Group Insurance Office" means the office established pursuant to this part;
- (b) "continuing insured employed person" means a transferred employed person who is insured under this part;
- (c) "group plan" means a group policy or policies issued to an employer by an insurance company or companies to provide persons in his employ with one or more of the following forms of insurance, viz., life insurance, accident insurance, sickness insurance, accident and sickness insurance, hospitalization insurance, surgical insurance or accidental death and dismember-

ment insurance and includes insurance under this part;

- (d) "insurance company" means a corporation, other than a mutual benefit association, hospital benefit association or fraternal benefit society, authorized by law to transact the business of insurance in Canada and with reference to any group plan means the insurer or insurers under such plan;
- (e) "original employer" means the person by whom a transferred employed person was employed immediately prior to his current employment;
- (f) "original group plan" means a group plan issued to the original employer under which a transferred employed person was insured immediately prior to the termination of the employment with the original employer and includes insurance under this part if the transferred employed person accepted his current employment pursuant to a direction or request made under Part II or Part III while he was a continuing insured employed person;
- (g) "Minister" includes any person designated by the Minister to act on his behalf under this part;
- (h) "new employer" means the employer of a transferred employed person;
- (i) "new group plan" means a group plan issued to a new employer and insuring some or all of the persons in his employ;
- (j) "transferred employed person" means a person who has accepted employment pursuant to a direction or request made under Part II or Part III and was, when so directed or requested, in other employment; and includes an employed person who is a transferred employed person by virtue of a ruling of the Minister made under section three hundred and fifty-one; but does not include a person in the employ of a municipality or of His Majesty in right of Canada or of any province.

351. (1) When an employed person who was insured under a group plan has been, pursuant to Part II or Part III, directed or requested to take employment except employment with a municipality or with His Majesty in right of Canada or any province, if the employed person has before his employment with the original employer was terminated or subsequently with the consent of the insurance company, so elected by executing and depositing in the local office a notice in writing in a form prescribed by the insurance company, the employed person shall, from the termination of his employment with the original employer, be insured under this part by a contract to be determined pursuant to section three hundred and fifty-two.

(2) Where an employed person who was insured under a group plan in his immediately preceding employment has applied to the Minister, within thirty days of the termination of such preceding employment, for a ruling that he is a transferred employed person and the Minister has so ruled, if the employed person has, within seven days of being informed of the Minister's



ruling, so elected by executing and depositing in the local office a notice in writing in a form prescribed by the insurance company, the employed person shall be insured under this part by a contract to be determined pursuant to section three hundred and fifty-two.

(3) Where an employed person who was insured under a group plan has been, pursuant to Part II or Part III, directed or requested to accept other employment and the employed person has, pursuant to such direction or request, accepted the employment prior to the first day of April, nineteen hundred and forty-three, if the employed person, with the consent of the Minister, prior to a day fixed by the Minister but not later than the first day of July, nineteen hundred and forty-three, so elects by executing and depositing in the local office a notice in writing in a form prescribed by the insurance company, the employed person shall be insured under this part by a contract to be determined pursuant to section three hundred and fifty-two.

(4) Where the new employer has not paid the premium in respect of a continuing insured employed person for any period as required by this part, the employed person's insurance under this section shall not be effective in respect of such period until the premium has been paid.

(5) An employed person may, by notice in writing served on his employer or the Central Group Insurance Office, cancel an election made by him under subsection one of this section prior to the fifteenth day after the termination of his employment with the original employer and shall thereupon, unless he is insured under a new group plan, be entitled, as if he had not made the election, to all rights under the original group plan arising upon the termination of his employment with the original employer.

(6) A continuing insured employed person shall not be insured under a new group plan until his insurance under this part has been terminated pursuant to section three hundred and fifty-three; and if a continuing insured employed person terminates his insurance under this part for the purpose of becoming insured under a new group plan he shall not be entitled to any rights under the original group plan or under this part arising upon the termination of the insurance.

(7) The Selective Service Officer shall, upon deposit of a notice in a local office under this section, forthwith transmit it to the Central Group Insurance Office and shall at the same time inform the said office of the name of the new employer.

352. (1) Where a transferred employed person is insured under this part, he shall be insured by the insurance company which issued the original group plan and the insurance company may, at its option, maintain the cover either

- (a) under the original group plan with appropriate amendments; or
- (b) under a contract which is hereby deemed to be in force between the new employer and the insurance company.

(2) Where a transferred employed person is insured under this part, the new employer shall, in accordance with this part, pay to the Central Group Insurance Office the premiums in respect

of such insurance determined pursuant to this part.

(3) Where a transferred employed person is insured under this part, his rights and obligations shall, subject to this part, be determined *mutatis mutandis* by the terms of the original group plan except that

- (a) amounts of insurance payable shall, unless reduced by the Minister pursuant to subsection four of this section, be fixed, notwithstanding any provision in the original group plan or variation thereof, at the amounts in effect under the original group plan immediately prior to termination of the transferred employed person's employment with the original employer;
- (b) no provision in the original group plan with reference to participation in surplus or an adjustment of premiums based on experience shall apply to such insurance;
- (c) premiums shall be determined and paid pursuant to this part; and
- (d) if a continuing insured employed person is entitled under an original group plan to have an individual insurance policy issued to him on termination of employment, he shall not be entitled to have such policy issued to him until his insurance under this part is terminated by termination of his employment with the new employer or by order of the Minister of Labour under this part; and if, in any such case, the continuing insured employed person is re-employed by the original employer upon the termination of his employment with the new employer, he shall not be entitled to have such policy issued to him until the termination of that employment with the original employer.

(4) The Minister may, in his discretion, reduce the insurance payable to a continuing insured employed person under this part by an order which shall not be effective until a copy thereof has been served on the Central Group Insurance Office, the new employer and the continuing insured employed person.

(5) The continuing insured employed person's beneficiaries under this part shall be the beneficiaries under the original group plan subject to any right of the continuing insured employed person under the original group plan to change the beneficiaries.

(6) Where an employed person who has been insured under a group plan has, upon ceasing to be insured under this part by reference to such plan, been re-employed by the employer to whom such plan was issued, he shall for the purpose of determining benefits under the current group plan issued to such employer be deemed to have been in continuous employment with such employer for a period equal to the aggregate of his period of insurance under this part and his periods of employment with such employer immediately preceding and following such period of insurance.

353. (1) Insurance on any person under this part shall be terminated

- (a) by the expiration of seven days after termination of his employment with any employer pursuant to a direction or request under Part II or Part III to take employment except employment with a municipality or with His Majesty in right of Canada or any province unless within that period he takes employment pursuant to such a direction or request;
- (b) by termination of his employment other than pursuant to a direction or request under Part II or Part III to take employment except employment with a municipality or with His Majesty in right of Canada or any province;
- (c) by notice that he wishes to cancel the insurance given in writing by the continuing insured employed person to the new employer;
- (d) by the attainment by the continuing insured employed person of the age on which the insurance would have been cancelled under the original group plan; or
- (e) by an order of the Minister made pursuant to subsection two of this section; whichever shall first occur.

(2) The Minister may, by order, with the concurrence of the National Selective Service Advisory Board, cancel all insurance under this part on a date fixed by the order.

(3) Every new employer shall report forthwith to the Central Group Insurance Office when insurance under this part on a continuing insured employed person in his employ expires or is cancelled and shall pay premiums in respect of every such person as if he were insured under this part until the Central Group Insurance Office has been notified of the expiration or cancellation of the insurance.

354. Every insurance company which insures one or more continuing insured employed persons under this part shall

- (a) keep an account in respect of all insurance on such employed person indicating on each account, the form or forms of insurance maintained but not necessarily variations in the terms of insurance;
- (b) calculate, in accordance with its rules, a premium rate on a monthly basis for all the insurance of each kind maintained by it under these regulations:

Provided that in such calculation it may treat all continuing insured employed persons insured by it as if they were insured under a single group contract; and provided further that the premium rate may not be increased or decreased more frequently than once in three months; and

- (c) adopt a method, based on experience, for the ascertainment and apportionment of divisible surpluses or for the adjustment of premiums.

355. (1) On or before the tenth day of each month, every insurance company insuring one or more continuing insured employed persons shall forward to the Central Group Insurance Office a statement containing such information as the Central Group Insurance Office may require con-

cerning all premiums payable to it under this part for the insurance of continuing insured employed persons.

(2) The Central Group Insurance Office shall each month determine, by a method to be decided by it, the proportion of the total premiums payable to all the insurance companies under this part which shall be paid by each new employer and shall render to each employer an account for the amount payable by him.

(3) Every new employer shall each month pay the amount set out in the account rendered to him by the Central Group Insurance Office within ten days of the receipt thereof and the Central Group Insurance Office shall forward the moneys so collected to the respective insurance companies entitled thereto.

(4) If a new employer fails to pay to the Central Group Insurance Office an amount which he is required to pay under subsection three of this section, the Attorney-General of Canada may recover such amount from him as a debt due to His Majesty by an action brought in any court of competent jurisdiction; and any moneys so recovered shall be paid to the Central Group Insurance Office.

356. A new employer may, in his discretion, from time to time deduct or withhold from the salary or wages payable to a continuing insured employed person for any period an amount in respect of the premiums for the employed person's insurance under this part not exceeding the amount deducted or withheld by the original employer from the wages or salary of the continuing insured person for an equivalent period under the original group plan:

Provided that, if the benefits payable under the insurance have been reduced pursuant to this part, the amount which may be deducted or withheld from the continuing insured employed person's salary or wages shall be reduced in proportion to the reduction in benefits.

357. (1) The Canadian Life Insurance Officers Association shall establish an office to be known as the Central Group Insurance Office for the administration of this part, and operations of such office shall at all times be subject to review by the Superintendent of Insurance for Canada.

(2) The Canadian Life Insurance Officers Association may authorize persons to act on behalf of the Central Group Insurance Office and determine the scope of their authority.

(3) The Central Group Insurance Office shall, for the purposes of this part be a body corporate with capacity to sue and be sued in respect of money payable by or to it under this part.

(4) Each insurance company shall, on demand, pay to the Central Group Insurance Office an amount determined by the Office to be substantially equal to the amount which bears the same proportion to the expenses incurred by the Office in any period as the total amount of premiums collected for such company by the Office in that period bears to the total amount of premiums collected by the Office in that period.

358. The Central Group Insurance Office may, at the request of any insurance company, arrange for the investigation and payment of



claims against that company under insurance carried on continuing insured employed persons under this part and for the administration of group insurance so carried by the company on continuing insured employed persons.

359. (1) Any person aggrieved by any decision, direction or ruling of the Minister or of the Central Group Insurance Office under any of the provisions of this part, may appeal therefrom to the Minister of Finance within thirty days of receiving notice of such decision, direction or ruling.

(2) An appeal under subsection one of this section shall be made by notice in writing to the Minister of Finance and a copy thereof shall be served upon the person from whose decision, direction or ruling he is appealing within the time limited for such appeal.

(3) The decision of the Minister of Finance on an appeal under this section shall be final and conclusive.

(4) A new employer shall, notwithstanding the service of a notice of appeal under this section, pay every amount which he is required to pay under this part within the time fixed for such payment, but he shall be entitled to recover back by action in any court of competent jurisdiction any part of the payment which, according to the decision of the Minister of Finance, is in excess of that which he ought to have paid but no such action shall be commenced within one month from the time the Minister of Finance makes the decision on which it is based.

360. This part shall come into force on the first day of April, nineteen hundred and forty-three.

#### PART III B: MEDICAL SERVICES PLAN (P.C. 2586)

365. In this part unless the context otherwise requires,

- (a) "executive committee" means a person or persons charged with the administration of a medical services plan;
- (b) "medical services plan" means a contract or arrangement under which an employer withholds moneys out of the salary or wages of some or all of the persons in his employ and medical, hospital or other benefits are provided for such persons or their dependents or both, if the Minister has designated such contract or arrangement as a medical services plan for the purposes of this part;
- (c) "Minister" includes any person designated by the Minister to act on his behalf under this part;
- (d) "original employer" means the person by whom a transferred employed person was employed immediately prior to his current employment;
- (e) "new employer" means the employer of a transferred employed person;
- (f) "transferred employed person" means a person who has accepted employment pursuant to a direction or request made under Part II or Part III and was, when so directed or requested, in other employment; and includes an employed person

who is a transferred employed person by virtue of a ruling of the Minister made under section three hundred and sixty-six.

366. (1) When an employed person who was entitled to benefits for himself or his dependents under a medical services plan has been, pursuant to Part II or Part III, directed or requested to take other employment, if the employed person has, before his employment with the original employer was terminated or subsequently with the consent of the executive committee, so elected by executing and depositing in the local office a notice in writing in a form prescribed by the Minister, the employed person shall, from the termination of his employment with the original employer, be entitled, subject to this part and notwithstanding any provision or condition in the plan to the contrary, to the benefits provided under the medical services plan.

- (a) in respect of himself as long as he lives where persons are required, by the plan, to live in order to be entitled to benefits; and
- (b) in respect of each of his dependents as long as such dependent lives where persons are required, by the plan, to live in order to be entitled to benefits, as if his employment with the original employer had not terminated.

(2) When a employed person who was entitled to benefits under a medical services plan in his immediately preceding employment has applied to the Minister, within thirty days of the termination of such preceding employment, for a ruling that he is a transferred employed person and the Minister has so ruled, if the employed person has, within seven days of being informed of the Minister's ruling, so elected by executing and depositing in the local office a notice in writing in a form prescribed by the Minister, the employed person shall be entitled, subject to this part and notwithstanding any provision or condition in the plan to the contrary, to benefits provided under the medical services plan.

- (a) in respect of himself as long as he lives where persons are required, by the plan, to live in order to be entitled to benefits; and
- (b) in respect of each of his dependents as long as such dependent lives where persons are required, by the plan, to live in order to be entitled to benefits, as if his employment with the original employer had not terminated.

(3) When an employed person who was entitled to benefits under a medical services plan has been, pursuant to Part II or Part III, directed or requested to accept other employment and the employed person has, pursuant to such direction or request, accepted the employment prior to the first day of April, nineteen hundred and forty-three, if the employed person, with the consent of the Minister, prior to a day fixed by the Minister but not later than the first day of July, nineteen hundred and forty-three, so elects by executing and depositing in the local office a notice in writing in a form prescribed by the Minister, the employed person shall be entitled, subject to this part and notwithstanding any provision or condition in the plan to the contrary,

to benefits provided under the medical services plan.

- (a) in respect of himself as long as he lives where persons are required, by the plan, to live in order to be entitled to benefits; and
- (b) in respect of each of his dependents as long as such dependent lives where persons are required, by the plan, to live in order to be entitled to benefits, as if his employment with the original employer had not terminated.

367. (1) Where a transferred employed person is entitled to benefits by virtue of this part, the new employer shall pay to the Minister contributions in respect of such employed person as required by this part.

(2) Where a transferred employed person is entitled to benefits by virtue of this part, his rights and obligations shall, subject to this part, be determined *mutatis mutandis* by the provisions of the medical services plan under which he is entitled to benefits except that contributions shall be determined and paid pursuant to this part.

368. (1) The right to benefits in respect of any person by virtue of this part shall be terminated.

- (a) by the expiration of seven days after termination of the employed person's employment with any employer pursuant to a direction or request under Part II or Part III unless within that period he takes employment pursuant to such direction or request;
- (b) by termination of the employed person's employment other than pursuant to a direction or request under Part II or Part III to take other employment;
- (c) by seven days' notice that he wishes to cancel his right to benefits under this part given in writing by the employed person to the new employer;
- (d) by attainment, by the person in respect of whom there is a right to benefits, of the age on which the right to benefits ceases under the medical services plan; or
- (e) by an order of the Minister made pursuant to subsection two of this section; whichever shall first occur.

(2) The Minister may, by order, with the concurrence of the National Selective Service Advisory Board, cancel all rights under this part on a day fixed by the order.

(3) Every new employer shall report forthwith to the Minister when the right under this part to benefits in respect of a transferred employed person in his employ or in respect of one of such employed person's dependents expires or is cancelled; and shall pay contributions under this part in respect of such person, as if benefits were payable in respect of such person under this part, until the Minister has been notified of such expiration or cancellation.

369. (1) The executive committee of every medical services plan shall keep a separate account of the cost of the benefits provided to employed persons and their dependents under the medical services plan pursuant to this part and shall furnish the Minister each month with such

information, in connection with the operations of the medical services plan, as he may require.

(2) The Minister shall determine the cost of the benefits provided each month pursuant to this part under each medical services plan.

(3) The Minister shall each month determine the proportion of the total cost of all benefits which have been or will be provided pursuant to this part which in his opinion should be paid that month by the various new employers and shall thereupon render an account to each employer for the amount payable by him.

(4) Every new employer shall pay to the Minister on behalf of the various medical services plans the amount set out in the account rendered to him by the Minister under this section within ten days of the receipt thereof and the Minister shall deposit such amounts in a special account in the Consolidated Revenue Fund.

(5) The Minister shall each month determine in respect of each medical services plan the amount which bears the same proportion to the total amount received by the Minister that month under subsection four of this section as the total cost of the benefits provided pursuant to this part under such plan that month bears to the total cost of the benefits provided pursuant to this part that month and such amount shall be paid out of the special account to the executive committee of the plan.

(6) If a new employer fails to pay an amount which he is required to pay under subsection four of this section, the Attorney General of Canada may recover such amount from him as a debt due to His Majesty by an action brought in any court of competent jurisdiction.

370. A new employer may, in his discretion, from time to time deduct or withhold from the salary or wages payable for any period to a person in his employ who is entitled to benefits under this part, an amount in respect of the contributions for such person under this part not exceeding in any month one dollar or such other amount as the Minister may fix by order in writing.

371. The Minister may, at the request of an executive committee, arrange for the investigation and payment, by a Selective Service Officer, of claims for the payment of benefits pursuant to this part under a medical services plan.

372. (1) If any question arises as to whether any person is or has been living where persons are required, by a medical services plan, to live in order to be entitled to benefits, the question shall, subject to this part, be decided by the Minister.

(2) If there is, in the opinion of the Minister, a failure on the part of the executive committee of any medical services plan to provide the benefits or any part thereof to which any person is entitled under this part, the Minister may provide the benefits which in his opinion have not been provided and deduct or withhold the cost thereof from the moneys payable to the executive committee of the plan under section three hundred and sixty-nine.

373. (1) Any person aggrieved by any decision, direction or ruling of the Minister under any of the provisions of this part may appeal



therefrom to the Minister of Finance within thirty days of receiving notice of such decision, direction or ruling.

(2) An appeal under subsection one of this section shall be made by notice in writing to the Minister of Finance and a copy thereof shall be served upon the Minister within the time limited for such appeal.

(3) The decision of the Minister of Finance on an appeal under this section shall be final and conclusive.

(4) A new employer shall, notwithstanding the service of a notice of appeal under this section, pay every amount which he is required to pay under this part within the time fixed for such payment but any amount which, according to the decision of the Minister of Finance, is in excess of that which he ought to have paid shall be repaid to him out of the special account.

374. If a new employer makes deductions from the salary or wages of some or all of the persons in his employ for a medical services plan, a transferred employed person in his employ shall be entitled to benefits under such plan on the same terms as the other persons in his employ notwithstanding any condition or provision in the plan under which employed persons are only entitled to benefits after a prescribed period of service with the new employer; but no transferred employed person shall be entitled under such plan to benefits in respect of any person while he is entitled pursuant to this part to benefits in respect of such person under any other plan.

375. This part shall come into force on the first day of April, nineteen hundred and forty-three.

#### PART IV: LABOUR EXIT PERMITS

400. No person who has attained his sixteenth birthday shall leave Canada with the intention of seeking or entering into employment outside Canada except pursuant to a Labour Exit Permit in prescribed form issued to him by a Selective Service Officer, unless such person is

- (a) leaving Canada to take employment in the service of the Government of Canada, the Government of a province of Canada, or the Government of any other country;
- (b) not a Canadian national and is proceeding to a country of which he is a national;
- (c) permanently resident in a country other than Canada, and is proceeding to such country or on transit through Canada to some other country;
- (d) a member of a dramatic, artistic, athletic or spectacular organization leaving Canada temporarily for the purpose of giving public performances or exhibitions of an entertaining or instructive character;
- (e) an actor, artist, lecturer, journalist, priest, minister of religion, author, lawyer, physician, professor of a recognized educational institution, accredited representative of an international trade union, commercial traveller or undertaker, leaving Canada for the temporary exercise of his calling or office;
- (f) an officer or seaman proceeding to join a vessel in a United States port pursuant to

authorization issued by or on behalf of the Director of Merchant Seamen;

- (g) the wife of a man who is leaving Canada pursuant to a Labour Exit Permit or who is exempt from obtaining a Labour Exit Permit or
- (h) a farm labourer going to the United States for seasonal work under an arrangement between the Governments of Canada and the United States.

401. (1) A Selective Service Officer may, in accordance with principles and directions set out in instructions from the Minister, grant a Labour Exit Permit in prescribed form, either for a limited period of absence from Canada or for an indefinite period, to a person desiring to leave Canada to take employment or seek employment outside Canada, but no such permit shall be granted to a male British subject unless he has been authorized in writing by the chairman of the Board to leave Canada if he is prohibited by the National Selective Service Mobilization Regulations from leaving Canada without such authorization.

(2) The Selective Service Officer may, from time to time, in accordance with principles and directions set out in instructions from the Minister, renew a Labour Exit Permit which has been granted for a limited period.

(3) Labour Exit Permits shall not be valid for departure from Canada after the last day fixed therein for such departure.

(4) Where a Labour Exit Permit is endorsed with the words "right to cancel this permit is reserved", the holder shall, if the Minister cancels the permit, return to Canada within such period as the Minister may fix.

(5) Where any Labour Exit Permit is granted for a limited period of absence from Canada, the holder shall return to Canada before the expiration of such period or the expiration of an extension of such period set out in a renewal of the permit.

402. An application for a Labour Exit Permit shall be in prescribed form and no person shall give false or misleading information in such application.

403. No person shall, without lawful reason or excuse, the proof of which shall lie upon him, have in his possession

- (i) a Labour Exit Permit or document purporting to be such permit, which permit or document was not lawfully issued to him pursuant to this order; or
- (ii) a blank form of Labour Exit Permit or printed form purporting to be such blank form of permit.

404. No person shall, without lawful excuse, the proof of which shall lie upon him, print or make a Labour Exit Permit or any printed paper purporting to be a blank form of Labour Exit Permit.

405. Any person leaving or attempting to leave Canada may be accosted by a peace officer, an immigration, customs or excise officer, or any other person authorized by the Minister to exercise the powers conferred by this section; and if, upon being so accosted such person fails to establish to the satisfaction of the person so

accosting him that a Labour Exit Permit has been granted to him to leave Canada at that time or that he is not required by these regulations to have a Labour Exit Permit to leave Canada, any peace officer, any immigration, customs or excise officer, or any other person so authorized by the Minister, is justified in using such force as may be necessary to prevent such person leaving Canada.

#### PART V:—ADMINISTRATION

500. (1) The Minister shall administer and enforce these regulations.

(2) There shall be an officer in the Department of Labour who shall be appointed by the Governor-in-Council, shall be called the Director of National Selective Service and shall hold office during pleasure.

(3) The Governor-in-Council may appoint such Associate Directors of National Selective Service as he deems necessary to assist in the administration and enforcement of these regulations\*.

(4) The Minister may appoint officers who shall be called National Selective Service Officers and he may designate the areas in which they shall perform their duties.

(5) Such other officers, clerks and servants as are necessary for the administration and enforcement of these regulations shall be appointed in the manner provided by law.

501. (1) There shall be a National Selective Service Advisory Board which shall advise the Director of National Selective Service with reference to the utilization of manpower in the prosecution of the war and the administration and enforcement of these Regulations.

(2) The Board shall consist of the Director of National Selective Service as Chairman and of the following members: W. A. Mackintosh, Special Assistant to the Deputy Minister of Finance; Lieut.-Col. G. S. Currie, Deputy Minister of National Defence; Dr. G. S. H. Barton, Deputy Minister of Agriculture; H. C. Goldenberg, Director General of Economics and Statistics, Department of Munitions and Supply; Donald Gordon, Chairman, Wartime Prices and Trade Board; A. Deschamps, Builders Exchange, Montreal; George Hodge, Canadian Pacific Railway Company, Montreal; Gilbert Jackson, Sentinel Securities of Canada, Limited, Toronto; Ivor Lewis, T. Eaton Co. Ltd., Toronto; H. Taylor, Canadian National Carbon Company Limited, Toronto; J. A. Bell, Order of Railroad Telegraphers, Toronto; W. Dunn, Toronto District Labour Council, Toronto; E. Ingles, International Brotherhood of Electrical Workers, London; A. R. Mosher, Canadian Congress of Labour, Ottawa; Gerard Picard, Confederation of Catholic Workers of Canada, Quebec City; J. C. G. Herwig, Canadian Legion, Ottawa; P. D. MacArthur, Howick, P.Q.; Mrs. Rex

Eaton, Vancouver; together with the Associate Directors, National Selective Service, and such other persons as the Minister may appoint.

(3) The Director of National Selective Service shall designate an officer of the Department of Labour to serve as Secretary of the Board.

(4) The members of the Board who are not employed full time by the Government of Canada shall be paid fifteen dollars per diem for each day engaged in work of the Board, together with actual and necessary expenses when absent from their places of residence in connection with the work of the Board. (P.C. 1788, amended P.C. 4496)

502. The Governor in Council shall determine the remuneration to be paid to the Director and Associate Directors, and the remuneration to be paid to such other officers, clerks and employees as may be appointed under these regulations shall be determined in the manner provided by law.

503. The Minister may, in the manner provided by law, establish at any place in Canada such office or offices as are required for the administration of these regulations and may provide therefor the necessary accommodation, stationery, equipment and telephones.

504. The Minister may incur all expenses reasonably necessary for the proper administration and enforcement of these regulations and the cost thereof, including the remuneration of all officers and servants of the branch, shall be paid out of moneys provided for the purpose.

#### *Minister's Powers*

505. The Minister may—

- (a) prescribe anything which under these regulations is to be prescribed;
- (b) prescribe such forms as he considers necessary for the administration of these regulations;
- (c) prescribe the manner in which notices delivered pursuant to these regulations must be executed;
- (d) revoke, cancel or vary any instruction, order, direction or form made or prescribed pursuant to these regulations;
- (e) for the purpose of acquiring general or specific knowledge with reference to any person or group or class of persons or the manpower situation in Canada or any part of Canada, require, by order, that any person or group or class of persons complete and return to him such returns of information as he may specify or report at such place and at such time as he may specify and complete such forms and give such information in such manner as he may specify;
- (f) in consultation with the Department of Munitions and Supply and the Wartime Prices and Trade Board, classify, in such manner, as he deems expedient, occupations, industries, firms or establishments according to essentiality in the prosecution of the war;
- (g) by order, exclude any person or group or class of persons from the operation of Part

\* A. MacNamara, Deputy Minister of Labour, was appointed Director of National Selective Service on Nov. 19, 1942, in succession to E. M. Little. Paul Goulet was appointed Associate Director on Mar. 23, 1942, and on Jan. 7, 1943, A. E. Pequegnat was appointed Associate Director (General) and C. F. Needham Associate Director (Civilian). These appointments continue in effect by virtue of sec. 700 below.



II or Part III or qualify any of the provisions of Part II or Part III in its application to any person or group or class of persons;

- (h) by order, require any employer or group or class of employers to keep such records as he deems necessary for the administration of these regulations;
- (i) notwithstanding anything in any other law or regulation publish such notices and explanations as he may deem necessary for the proper administration and enforcement of these regulations;
- (j) by order, require any employer or group or class of employers or all employers to terminate the employment of every male person in their employ who fails within a time specified in the order to produce such evidence as may be specified in the order that he has not contravened the provisions of the National Selective Service Mobilization Regulations; and
- (k) by order, forbid the furnishing of a permit to seek employment to any male person who fails to produce such evidence as may be specified in the order that he has not contravened the provisions of the National Selective Service Mobilization Regulations.\*

#### *General*

506. Every person to whom any order is issued or who is required to do or abstain from doing anything by or pursuant to these regulations shall obey such order or do or abstain from doing such things as required.

507. (1) Throughout each day the Minister so requires, every Postmaster, Sheriff, Clerk of the Peace and Clerk or other officer of a Municipality shall cause to be kept posted in prominent places in his office and such other public buildings throughout his district or municipality as the

\* Five orders have been issued under this section. Orders 1, 3 and 4, issued under subsec. (g) on Feb. 10, Feb. 27 and Mar. 31, 1943, provide that the Regulations will not apply to (1) temporary employment in forest fire-fighting, (2) employment of women in canneries if it is known that it will not last for more than 10 weeks, and (3) part-time employment in hospitals which does not exceed 24 hours in any week.

Order 2, which was issued under subsec. (e) on Feb. 22, 1943, required female graduate nurses under the age of 66 to register on Mar. 17, 18 and 19 at an Employment and Selective Service Office if they lived within five miles of a centre where such an office is situated, at the nearest post office if they did not live within five miles of such a centre, or at any other place which the Minister of Labour might designate.

Order 5, which was issued under subsec. (k) on Apr. 16, 1943, provides that after Apr. 30 a Selective Service Officer may not furnish a permit to seek employment to any man unless he presents satisfactory evidence that he has not contravened the National Selective Service Mobilization Regulations. If, however, the permit is furnished to a man being referred to a specific employment vacancy or if the man is entitled to apply by mail for a permit, the necessary evidence may be presented within three days after the issue of the permit or within such longer period as the Selective Service Officer may allow. Any of the following is considered to be satisfactory evidence: a certificate of discharge from the armed forces after service during the present war, a rejection slip issued by the army on application for enlistment, a certificate of medical examination issued under sec. 7 (7) of the Mobilization Regulations (p. 81), a postponement order certificate issued under the Mobilization Regulations, or in the case of a man born between 1902 and 1916 inclusive a statutory declaration on a prescribed form that the Mobilization Regulations do not apply to him.

Minister may specify, and in such manner as the Minister may require, copies of any order, notice or announcement under these regulations.

(2) No person shall wilfully destroy, take down, tear or deface any copy of an order, notice or announcement posted under these regulations in any office or public place.

508. No person shall make any false statement or representation for the purpose of obtaining any permit under these regulations or of misleading any person engaged in the administration or enforcement of these regulations.

509. (1) No person shall by means of a written or printed communication, publication or article, or by an oral communication or by public speech or utterance;

- (a) counsel or advise any other person not to comply with any of the provisions of these regulations or of a notice or order given or made pursuant thereto; or
- (b) wilfully resist or impede, or attempt wilfully to resist or impede, or persuade or induce or attempt to persuade or induce any person or group or class of persons to resist or impede the operation or enforcement of these regulations.

(2) No person shall in any manner impede or prevent or attempt to impede or prevent any other person in the performance of his duties under these regulations.

510. No person shall, with intent to evade any provision in these regulations, destroy, mutilate, deface, alter, secrete or remove any book, record, or property of any kind.

511. Any officer, clerk or employee appointed pursuant to these regulations who is designated by the Minister for the purpose may, in the course of his employment, administer any oath and take and receive any affidavit, declaration or affirmation which any person is required to file or produce by or pursuant to these regulations; and every such officer, clerk or employee shall, with respect to any such oath, affidavit, declaration or affirmation, have all the powers of a Commissioner for taking Affidavits. (P.C. 3208)

#### PART VI:—ENFORCEMENT

600. (1) Every Selective Service Officer, and every person authorized by the Minister to act as a Selective Service Inspector, may for the purpose of enforcing these regulations

- (a) enter at all reasonable times any premises or place, other than a private dwelling house not being a workshop, where he has reasonable grounds for supposing that any person is employed;
- (b) make such examination or inquiry as may seem to him to be necessary for ascertaining whether these regulations are being complied with;
- (c) examine orally, either alone or in the presence of any other person as he thinks fit, with respect to any matter arising under these regulations, every person whom he finds in any such premises or place or whom he has reasonable cause to believe to be or to have been in employment and may require every person so examined to sign a declaration of the truth of his statements on such examination; and

(d) exercise such other powers as, in the opinion of the Minister, are necessary for enforcing these regulations.

(2) The occupier of any premises or place, other than a private dwelling house not being a workshop, any person having other persons in his employ, the servants and agents of any such occupier or person, and any employed person shall furnish to any Selective Service Officer or Inspector all such information, and he shall produce for inspection all such books, documents, papers and records, as the Selective Service Officer or Inspector may reasonably require.

(3) Every Selective Service Officer and Selective Service Inspector shall, on applying for admission to any premises or place under this section, have in his possession and produce if so required a certificate of his appointment signed by or on behalf of the Minister.

601. For the purposes of these regulations and of any proceedings taken thereunder, any notice or other communication sent through His Majesty's mails pursuant to these regulations shall be presumed, until the contrary is proven, to have been received by the addressee within eight clear days of the posting thereof and a certificate of such posting purporting to be signed by a Selective Service Officer shall be *prima facie* proof thereof.

602. (1) A certificate purporting to be signed by the Minister or by any person authorized to act in the Minister's place or on his behalf that anything has been done or omitted pursuant to or contrary to these regulations shall be *prima facie* proof that such thing has been done or omitted.

(2) A certificate purporting to be signed by the Minister, the Director, an Associate Director or a Selective Service Officer that he has, pursuant to these regulations, served any document or caused any document to be served shall be *prima facie* proof of the statements contained therein.

(3) A certificate purporting to be signed by the Minister or any person authorized to act in the Minister's place or on his behalf that a document is a true copy of any other document which is or has been in the possession of the Minister or any of the Officers or employees engaged in the administration or enforcement of these regulations shall be evidence of the statements contained therein and the copy shall be accorded in all courts, the same probative force as the original document or part thereof, of which it is a copy.

603. (1) Every person is a party to and guilty of an offence under these regulations who

- (a) actually commits it;
- (b) does or omits an act for the purpose of aiding any person to commit the offence;
- (c) abets any person in commission of the offence; or
- (d) counsels or procures any person to commit the offence.

(2) If several persons form a common intention to contravene any of the provisions of these regulations and to assist each other therein, each of them is a party to every offence under these

regulations committed by any one of them in the prosecution of such common purpose, the commission of which offence was, or ought to have been known to be a probable consequence of the prosecution of such common purpose.

(3) Every one who counsels or procures another person to be a party to an offence under these regulations of which that person is afterwards guilty, is a party to that offence, although it may be committed in a way different from that which was counselled or suggested.

(4) If a corporation is guilty of an offence under these regulations, any officer or director of the corporation who assented to or acquiesced in the commission of the offence is a party to and guilty of the offence.

604. (1) In any prosecution under Part XV of the Criminal Code for a contravention of these regulations or of any regulations repealed by these regulations, the complaint shall be made, or the information laid, within one year from the time when the matter of the complaint or information arose.

(2) Notwithstanding the provisions of Part XV of the Criminal Code, a complaint or information in respect of any contravention of these regulations or of any regulations repealed by these regulations may be heard, tried or determined by any Police or Stipendiary Magistrate or any Justice or Justices of the Peace if the accused is found or apprehended or is in custody within his or their territorial jurisdiction although the matter of the information or complaint did not arise within his or their territorial jurisdiction.

605. Every person who contravenes any of the provisions of these regulations is guilty of an offence, and unless some penalty is expressly provided by these regulations for such contravention, liable on summary conviction for a first offence if an individual to a penalty of not more than five hundred dollars or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment and if a corporation to a penalty of not more than two thousand five hundred dollars, and for any subsequent offence if an individual to a penalty of not more than one thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment and if a corporation to a penalty of not more than five thousand dollars.

606. Every person is guilty of an indictable offence and liable to a fine not exceeding five thousand dollars and not less than five hundred dollars or to imprisonment for a term not exceeding five years and not less than six months or to both such fine and such imprisonment, who corruptly

- (a) makes any offer, proposal, gift, loan or promise or gives or offers any compensation or consideration, directly or indirectly, to a person concerned in the administration or enforcement of these regulations or having any duties to perform thereunder, for the purpose of influencing such person in the performance of his duties; or
- (b) being a person concerned in the administration or enforcement of these regulations or having any duties to perform there-



under, accepts or agrees to accept or allows to be accepted by any person under his control or for his benefit any such offer, proposal, gift, loan, promise, compensation or consideration.

607. Every person who, without lawful authority or excuse, makes any document purporting to be a notice of separation, a permit to seek employment or other document issued pursuant to the provisions of these regulations, or who, without lawful authority or excuse, alters a notice of separation, a permit to seek employment or other such document in any material part or makes any material addition, either by erasure, obliteration, removal or otherwise, is guilty of an offence and liable on summary conviction to a penalty of not more than one thousand dollars or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

#### PART VII: MISCELLANEOUS

700. (1) All persons appointed by or pursuant to Order-in-Council P.C. 2254 dated the twenty-first day of March, nineteen hundred and forty-two, Order-in-Council P.C. 2301 dated the twenty-third day of March, nineteen hundred and forty-two and Order-in-Council P.C. 10578 dated the nineteenth day of November, nineteen hundred and forty-two who are in the employ of His Majesty when these regulations come into force, shall be deemed to have been appointed pursuant to these regulations and the Minister shall have the control and supervision of all such persons.

(2) All officers, clerks and employees of the Department of Labour and the Unemployment Insurance Commission whose services are used in the administration or enforcement of these regulations, shall, for the purpose of these regulations, be deemed to have been appointed pursuant to these regulations.

701. If the Engineering Institute of Canada, the Canadian Institute of Mining and Metallurgy and the Canadian Institute of Chemistry consent, the Minister may utilize the Wartime Bureau of Technical Personnel, which is operated pursuant to Order-in-Council P.C. 780 dated the twelfth day of February, nineteen hundred and forty-one, (p. 72) for the administration of Part III; and in such event the said Bureau shall, without affecting the said Order-in-Council, be subject to the control and supervision of the Minister.

702. The Essential Work (Scientific and Technical Personnel) Regulations, 1942, The Selective Service Regulations, 1942, Order-in-Council P.C. 1445 dated the second day of March, nineteen hundred and forty-two, Order-in-Council P.C. 1955 dated the thirteenth day of March, nineteen hundred and forty-two, Order-in-Council P.C. 2254 dated the twenty-first day of March, nineteen hundred and forty-two, The Labour Exit Permit Order, Order-in-Council P.C. 9466 dated the sixteenth day of October, nineteen hundred and forty-two and the University Science Students Regulations, 1942 are revoked.

703. All proceedings taken under any Order-in-Council or regulation revoked by these regulations shall, so far as consistently may be, be

taken up and continued under and in conformity with the provision of these regulations, if any, substituted for the regulation or Order-in-Council so repealed.

704. (1) All permits, consents, instructions, directions, determinations, decisions, notices and orders granted, given, served or made under any Order-in-Council or regulation revoked by these regulations shall, as far as applicable, be deemed to have been granted, given, served or made, *mutatis mutandis* under these regulations and all forms which have been prescribed for use under any such Order-in-Council or regulation shall be deemed to have been prescribed for use in similar cases under these regulations until replaced by forms prescribed by the Minister.\*

(2) The forms annexed to the Labour Exit Permit Order shall be deemed to have been prescribed for use under Part IV until replaced by forms prescribed by the Minister.

(3) When a Selective Service Officer has, prior to the coming into force of these regulations,

\* Two orders were issued under Order-in-Council P.C. 1445 which authorized the Minister of Labour to direct any person or class of persons to register.

The first dated May 19, 1942, required men between the ages of 16 and 19 inclusive to register within one week after May 31, 1942, if they were unemployed or not gainfully occupied on that date, or within one week of any subsequent date on which they might be unemployed. Registration was to take place at an Employment and Claims Office of the Unemployment Insurance Commission (now an Employment and Selective Service Office) or at the nearest post office if the man lived more than five miles from a centre where an employment office was located. Every man who remains unemployed must renew his registration at least once every two weeks. The order was not made to apply to students, inmates of asylums, penitentiaries, prisons, hospitals or homes for the aged or persons subject to the Essential Work (Scientific and Technical Personnel) Regulations, 1942 (now Part III of the National Selective Service Civilian Regulations).

The second, dated Sept. 8, 1942, required women born in the years 1918 to 1922 inclusive to register at one of the places mentioned above during the period Sept. 14-19 inclusive, and to re-register at an Employment and Selective Service office within one week of any subsequent date on which they might become unemployed. The order did not apply to members of any religious order, inmates of asylums, penitentiaries, prisons, or hospitals or persons employed in insurable employment on Sept. 14.

One order, dated Jan. 16, 1943, was issued under the Selective Service Regulations, 1942, sec. 30 (g), which authorized the Director of National Selective Service, with the approval of the Minister, to require employers to keep such records and furnish such information as he deemed necessary. This order applied to all persons employing one or more workers except farmers and householders employing domestic servants and to Dominion, provincial and municipal governments in so far as they carry on activities of a commercial nature, such as railroads, electric utilities, telephone systems, etc. All these employers were required to furnish on or before Feb. 6 the following information: (1) the name of the firm and the name and address of the establishment; (2) the industrial classification of the establishment; (3) the specific products manufactured or services provided; (4) the number of employees on the payroll classified by year of birth, sex and marital status; and (5) the number of employees expected to be on the payroll on Apr. 30, classified by sex.

Four orders were issued under the Selective Service Regulations, 1942, sec. 30 (f), which authorized the Director, with the approval of the Minister, to exclude any person or group of persons from the application of all or part of the Regulations. Two of them, dated Oct. 15 and Nov. 24, 1942, provided that the Regulations would not apply to paroled refugees of enemy origin, nor, during the period Dec. 13, 1942 to Jan. 5, 1943 inclusive, to students, teachers, women over 44 and men over 59. The other two, dated Dec. 24, 1942, and Jan. 5, 1943, provided that the Part relating to notices of separation and permits to seek employment would not apply to members of the armed forces on leave, to female practical nurses in private homes or to men employed in the harvesting of ice during the 1942-43 winter season.

made an arrangement for any payment under section twenty-five of The National Selective Service Regulations, 1942, and such payment has not been made before these regulations come into force, it may be made in accordance with such arrangement.

705. These regulations shall come into force on the 19th day of January, nineteen hundred and forty-three.

#### SCHEDULE "A"

1. A person who is normally engaged in the engineering profession in a consulting, technical or supervisory capacity in design, construction, manufacture, operation or maintenance and who has had a regular professional training in practice and in theory as an engineer in any of the following branches of engineering: civil, mechanical, electrical, chemical, metallurgical and mining.

2. A production, industrial or other engineer or chemist who normally holds in an engineering works or manufacturing establishment a position of authority involving responsibility for any phase of executive management or control of any technical function.

3. A person who has obtained a degree at any Canadian or other recognized university and who is normally engaged as a teacher of engineering science or of any branch of science at a university or technical college.

4. A person who has been trained, or who is or has been normally engaged, in the practice of any branch of the science of chemistry but not including a registered pharmacist.

5. A research scientist, that is, a person who, by training or practice, is skilled in the independent search for new knowledge of the properties of matter or energy.

6. A person, other than a teacher, who has obtained a degree at any Canadian or other recognized university in Engineering, Chemistry, Physics, Geology, Mathematics, Architecture or in any natural science, or who is a technically

qualified member of the Engineering Institute of Canada, the Canadian Institute of Chemistry, the Canadian Institute of Mining and Metallurgy, the Royal Architectural Institute of Canada or of any provincial association of professional Engineers, Chemists or Architects.

7. A person, or a group or class of persons, not in the classes described above, possessing, in the opinion of the Minister, technical qualifications and skill which are needed in essential work.

#### Facilities of Unemployment Insurance Commission Placed Under Minister of Labour

P.C. 7994, Sept. 4, 1942.—[It has been necessary to use the local employment and claims offices of the Unemployment Insurance Commission as well as the officers and other staff of the Commission for the administration of the selective service program. In order to promote administrative efficiency and avoid duplication of services, this Order-in-Council placed these offices and staff at the disposal of the Minister of Labour for the duration of the war or until such earlier date as may be fixed by Order-in-Council.]

[In addition, the Order transferred the administration of the Unemployment Insurance Act to the Minister but stipulated that the chairman of the Commission must be kept fully informed regarding all matters connected with the administration of the Act and must make representations to the Minister in order to ensure its fair and liberal administration. One of the commissioners has, by this Order, been appointed Head of the branch of the Department of Labour in charge of unemployment insurance and selective service and the other has been assigned the duty of reviewing decisions of the courts of referees established under the Act and of making representations to the Minister and to the referees with the object of bringing about uniformity of decisions.]

### Curtailment of Civilian Trade and Industry

By August, 1942, control of the labour market and training of new workers were by themselves no longer sufficient to deal with the manpower problem. The Government therefore directed the Wartime Prices and Trade Board, in co-operation with National Selective Service, to curtail non-essential civilian work in order to release labour for more important work. The Board had already been carrying out a curtailment policy, but the purpose had been to conserve scarce materials and any release of manpower which resulted was purely incidental.

In September the Board set up an Industrial Division to prepare and direct curtailment plans and later it issued a statement of policy. On November 2, 1942, an Order relating to business generally came into effect prohibiting the establishment of any new business or the expansion of an existing one without a permit.

#### Statement of Policy

[This statement, which was issued on October 21, 1942, outlines the curtailment policy of the Wartime Prices and Trade Board. The Board confines itself to curtailing goods and services and the actual withdrawal or transfer of labour is in the hands of the Director of National Selective Service. The Board's administrators have been asked to formulate plans and the Selective Service Director is kept informed on

every individual curtailment plan affecting labour.

[The purpose of the policy is to ensure that the use of human and material resources in the provision of goods and services for the civilian population will be systematically reduced to the minimum required for health, efficiency and morale. The Board's aim is to proceed in an orderly and progressive manner, but in urgent cases curtailment is carried out without all the



refinements which might be desired. The actual methods are restrictions on power, raw materials, production, distribution and labour.

[The order of procedure is as follows. In all cases the first move is to eliminate obviously non-essential lines of merchandise and standardize and simplify existing lines. A sharp curtailment of total production is also necessary and in this the Board is making every effort to determine the relative essentiality of various products. Concentration of industry is also required in some cases. This may involve closing down some plants, and if so, the plants which continue production will be selected not merely according to their size and efficiency but also according to the manpower requirements of the areas in which they are located. Where businesses in a single industry are curtailed in different degrees, compensation is provided either by agreement within the industry or, failing that, on the basis of a scheme put into effect by the Board.]

### **Commencement, Acquisition and Expansion of Businesses**

W.P.T.B. Order No. 284, May 25, 1943.—[This Order was passed under authority of the Wartime Prices and Trade Regulations (P.C. 8528, Nov. 1, 1941, as amended) replaced an Order of Sept. 8, 1942, in the same subject and came into effect on June 14, 1943. It prohibits the establishment of new businesses except under permit and this prohibition applies not only to new entrants into business but also to operators of existing businesses who may wish to extend their activities. No manufacturer, for example, may enter the wholesale, retail or service field without a permit, no wholesaler may expand into manufacturing or retailing and so on. Moreover, no manufacturer, wholesaler, retailer or operator of a service business may increase the classes of goods or services he is manufacturing or selling or increase his floor space. Permits are also necessary for the transfer of a business by sale or gift but not in the case of an heir taking possession of his legacy or of a receiver taking possession pursuant to a court order.]

### **Other Measures relating to Civilian Manpower**

In addition to the National Selective Service Civilian Regulations there are some special measures dealing with particular problems or classes of labour.

One of the earliest Orders-in-Council relating to labour supply authorized the establishment of a Wartime Bureau of Technical Personnel which has assisted in the administration of the Scientific and Technical Personnel Regulations, 1942, and, when these were replaced, of Part III of the Selective Service Civilian Regulations.

An effort has been made to speed up ship-loading operations especially at Halifax. Orders-in-Council dealing with the Halifax situation were passed on January 31, 1941, March 10, 1941 and March 9, 1942, and an Order-in-Council of April 30, 1942, which repealed the previous Orders-in-Council except for part of one of them, put into effect a special plan drawn up by the Minister of Labour. This Order reproduces certain provisions of the earlier Orders and in addition provides that the activities of all agencies concerned with ship-loading at Halifax will be co-ordinated by a Controller of Loading Operations and that all longshoremen must now be hired in gangs through a dispatching agency.

Several steps have been taken to deal with the serious shortage of coal. An emergency Coal Production Board was set up on November 23, 1942, with the responsibility, under the Minister of Finance, of taking all necessary measures, including measures relating to labour, to maintain and stimulate the production of coal. On November 24, the Board was directed to examine possible wage adjustments in two British Columbia collieries (p. 29). On May 4, 1943, a national emergency was proclaimed in regard to the production of coal and the terms of reference of the Board were extended. Shortly after, as we have seen (p. 47), the Selective Service Civilian Regulations were amended to provide additional manpower for the mines. In addition, Japanese are to be used in cutting wood fuel.

Labour shortages have also arisen in base metals and steel. Men have been transferred on a voluntary basis from gold mining and women have been recruited for work in the plants of the International Nickel Co. at Sudbury and Port Colborne and in the Algoma Steel Corp. at Sault Ste. Marie. The employment of women required the authorization of Orders-in-Council under the War Measures Act since the Ontario Mining Act does not permit women to be employed in or about mines (including smelters, mills, etc.) except in a technical, clerical or domestic capacity. Regulations issued under these Orders-in-Council set forth the occupations at which women may be employed and their conditions of work.

There has also been a shortage of farm labour. Workers on farms are retained there by virtue of the Selective Service Civilian Regulations (sec. 207) and the Mobilization Regulations (sec. 10 (9)), and training for farm work is provided under the War Emergency Training Program (p. 92). Steps have also been taken to move additional workers to farms. In May 1941, the Dominion Government concluded an agreement with Ontario undertaking to assist the latter on an equal contribution basis in carrying out plans of this nature. In May, 1942, a new agreement was entered into with Ontario and similar agreements were concluded with the other provinces, and in May, 1943, these agreements were renewed with extended provisions.

Provision has also been made for the employment of prisoners of war in agriculture and other essential work. Moreover, several measures have been passed relating to the Japanese. Basically, these are security measures but they also include provisions which are designed to obtain the most effective use of Japanese labour. The Minister of Labour is responsible for the placement and control of Japanese in areas outside the protected areas of British Columbia, and substantial numbers have been moved to other provinces mainly for agricultural work. In addition, work camps have been established for Japanese and other enemy aliens, legal restrictions in British Columbia on the employment of Asiatics on the provincial Crown lands have been suspended, and, as has already been mentioned, the use of Japanese labour in cutting wood fuel and other timber operations has been authorized. Formation of a Canadian Japanese Construction Corps was also authorized but has been indefinitely postponed.

An agreement between Canada and the United States regarding labour on the Alaskan highway, which is embodied in an exchange of notes, has been approved by Order-in-Council. Subject to specified conditions, the Western Labour Board (p. 28) may authorize American Government agencies and contractors to employ Canadians on western defence projects.

The National Selective Service Civilian Regulations (sec. 212) provide for Government financial assistance to workers who are encouraged or directed to take work which involves a change of residence, etc. A similar provision was included in the earlier National Selective Service Regulations, but these regulations did not provide for return travelling expenses. A special Order-in-Council was therefore passed to ensure that workers who changed their residence under these regulations will receive assistance for the return trip where warranted. Special Orders-in-Council have also been passed to provide supplementary living allowances to workers engaged in the production of airplane spruce on Queen Charlotte Islands where the high cost of living has made it difficult to retain sufficient workers, and to provide transportation expenses and supplementary living allowances to workers engaged in the construction of a synthetic rubber plant at Sarnia. It should also be noted that special provisions regarding wages have been made for workers on the Sarnia and other construction projects which were of particular urgency (p. 28).

Steps have been taken to curb a considerable traffic which had grown up in the collection of fees by unauthorized persons in procuring employment for other persons. Special provision regarding income taxation has been made for persons from abroad who have special skill and are engaged in essential war work in Canada. The steps which have been taken to provide housing and recreation for war workers are described on pp. 41-42.

#### **War-time Bureau of Technical Personnel**

P.C. 780, Feb. 12, 1941.—[Provided for the establishment of a War-time Bureau of Technical Personnel, which is responsible to the Minister of Labour and was set up by professional associations in order to organize the placement in war industries of technically qualified persons, such as professional engineers, chemists and others, and to co-operate with the Civil Service Commission in arranging for the placement of such persons in the Civil Service. For the present status of the

Bureau, see the National Selective Service Civilian Regulations, sec. 701, p. 69.]

#### **Dock Labour**

##### *Temporary Membership in Halifax Longshoremen's Association*

P.C. 1706, Mar. 10, 1941.—[The hiring of dock labour at Halifax is normally regulated by agreement between the Halifax Longshoremen's Association, a local of the International Longshoremen's Association, and the shipping and



stevedoring companies. In January, 1941, the Association consented to take on temporary members to meet the shortage of longshoremen which had arisen because of war activity, and an Order-in-Council was passed on Jan. 31 to provide that those temporary members would not have the right to be retained as members after the special work was finished or to share in or benefit from any funds accumulated by the Association. The problem remained acute, however, and in February, 1941, the Association and the companies entered into an agreement, supplementary to their existing agreement, providing that the Association would admit to membership enough men to permit 24-hour operations and that double shifts would be instituted as soon as possible. The terms of this supplementary agreement were embodied in the present Order-in-Council. The agreement also provided that an Arbitrator would be appointed to settle disputes, and an Arbitrator was appointed by this Order. This provision was repealed, however, by Order-in-Council P.C. 3511, as was also the Order-in-Council of Jan. 31, 1941.]

#### *Controller of Loading Operations, Halifax*

P.C. 3511, Apr. 30, 1942, amended by P.C. 4270, May 21, 1942.—[By March, 1942, it had been decided that it was necessary to re-organize ship loading and unloading operations at Halifax, and the Minister of Labour was directed to formulate a plan for this purpose. The plan, which was drawn up after consultation with representatives of the shipping and stevedoring companies and the Halifax Longshoremen's Association, was put into effect by this Order-in-Council which was passed under the War Measures and National Resources Mobilization Acts.

[Under it the activities of all companies and associations concerned directly or indirectly with shiploading operations in the Port of Halifax are co-ordinated by a Controller of Loading Operations. Under him there is a Port Loading Superintendent and a Chief Dispatcher, the former of whom supervises the loading operations of the port as a whole with the latter administering a Central Dispatching Agency. Labour at the port is organized into gangs with named bosses and all men must be hired in gangs exclusively through the Dispatching Agency.

[The Controller may require the Halifax Longshoremen's Association to admit any designated men to temporary membership and he may extend the period of temporary membership of men already admitted. All temporary members enjoy the same rights as permanent members with regard to hiring and working privileges. There is, however, a provision like that of the Order-in-Council of January 31, 1941, stating that they have no right to be regarded as members beyond the period for which they were admitted and they do not share in the right to benefit from the funds of the Association.

[It is the Controller's duty to record any suspension of existing conditions of work established by practice or agreement and these conditions will be fully restored, if the workers so desire, at the end of the war. Moreover, the terms of the existing agreements between the Longshoremen's Association and the companies will continue to

apply as to matters other than wage rates, except where they are inconsistent with this Order. On Nov. 26, 1942, R.G. Perchard, Assistant Harbour Master at Montreal, was appointed Controller of Loading Operations in succession to V. C. MacDonald, K.C.]

#### *Dock Labour Generally*

P.C. 6004, July 13, 1942.—[Authorizes the Minister of Labour to issue orders prescribing a system of work permits for the employment of persons in loading or unloading ships at any port he may designate. No orders have been issued.]

#### **Emergency Coal Production Board**

P.C. 10674, Nov. 23, 1942, amended by P.C. 1752, Mar. 5, 1943, P.C. 3628, May 4, 1943, and P.C. 4565, June 4.—[Because of the severe shortage of coal, an Emergency Coal Production Board has been set up under the Minister of Finance, consisting of the Coal Controller of the Wartime Prices and Trade Board and two other members. It is responsible under the Minister for taking all necessary measures for maintaining and stimulating the production of coal, coke, lignite and peat and ensuring an adequate and continuous supply for all essential purposes. Its enumerated duties include making recommendations to the Minister regarding the procurement or transfer of labour, suspending any laws or regulations regarding conditions of employment or eligibility for employment in coal mines which the Board considers impede maximum production and requiring operators of mines to adopt production bonus plans or other incentives. The Board must consult and co-operate with existing administrative authorities, and in case of disagreement with them must refer the matter to the Minister.]

#### **Employment of Women in Certain Metallurgical Plants**

##### *International Nickel Co.*

P.C. 7032, Aug. 13, 1942, amended by P.C. 8603, Sept. 23, 1942.—[Because of the serious shortage of male workers confronting the International Nickel Co., the Company was authorized by this Order-in-Council to employ women in its plants at Sudbury and Port Colborne, Ont. at such work as the Minister of Labour considered suitable. The Minister was authorized to issue regulations, after consultation with the Ontario Minister of Mines, to safeguard the health and welfare of any woman so employed.]

##### *Algoma Steel Corp.*

P.C. 1665, Mar. 1, 1943.—[Makes the same provisions regarding the Algoma Steel Corp. at Sault Ste. Marie as are made by Order-in-Council P.C. 7032 as amended for the two plants of the International Nickel Co.]

#### *Working Conditions*

Regulations, Sept. 28, 1942, and Apr. 22, 1943.—[The Regulations of Sept. 28 were issued under Order-in-Council P.C. 7032 as amended (International Nickel) and those of Apr. 22 under Order-in-Council P.C. 1665 (Algoma Steel). Both sets are administered by the Ontario Department of Mines as the agent of the Dominion Minister of Labour. They both limit hours to

eight per day and 48 per week except when shifts change over or a relief fails to report, and provide that the hours of a woman may in no case exceed 60 in a week. No shift may begin or end between midnight and 6 a.m. in the International Nickel plants or between 11 p.m. and 7 a.m. in Algoma Steel. If for any reason a woman leaves the plant between 12.30 a.m. and 6 a.m. in International Nickel, or between 11.30 p.m. and 7 a.m. in Algoma Steel, she must be provided with transport direct to her home. In both cases, wages are determined by the National War Labour Board.

[Both sets of Regulations provide that no woman under 18 may be employed, that all women must be medically examined before being employed, that no women may be required to lift an object which would cause injury to a normal woman or to clean or oil machinery when it is necessary to contact a moving part, and that prophylactic measures must be taken where necessary against dermatitis, lead poisoning, and other occupational diseases. There are also provisions in both sets which are similar to those in the Ontario Factory, Shop and Office Building Act regarding dressing rooms, rest rooms, toilets, washing facilities, drinking water, lunch rooms, seats and the wearing of caps and other safety clothing.]

[The Regulations applying to International Nickel provide that women may be employed on the surface only and those for Algoma Steel that women may not be employed in "hot metal" operations. In both cases a tentative list of occupations at which women may be employed is appended.]

### Farm Labour

P.C. 3620, May 4, 1943.—[This Order, which was passed under the War Measures and National Resources Mobilization Acts, authorizes the Minister of Labour, on behalf of the Dominion, to enter into an agreement with each of the nine provinces "for the purpose of making more effective use of the agricultural manpower within each province, of recruiting workers, whether male or female, suitable for farm work in one province, and of transporting the said workers to and placing them on the farms of another province." The terms of the agreements must be "substantially in accordance with" an attached draft "but with such variations as the Minister of Labour deems necessary to meet the requirements of a particular province for the purpose of making more effective use of manpower for agricultural purposes." Costs, apart from the cost of transporting workers from one province to another will be shared equally by the Dominion and each province, and the Dominion's expenditure may not exceed \$510,000. Inter-provincial transportation costs are borne entirely by the Dominion but may not exceed \$300,000 in addition to the \$510,000 authorized for other purposes.]

[The draft agreement provides that the financial liability of the Dominion is that of a voluntary contributor only, that the province is responsible for the detailed administration through a Dominion-Provincial Committee on Farm Labour appointed by the province, on which the Dominion Department of Labour is represented, and that the Dominion will not contribute to

provincial costs of administration except as indicated below. The Dominion pays to the province 50 per cent of the following costs: salaries and necessary travelling expenses of additional staff required by the province and necessary travelling expenses of members of the permanent field staff of the province, if half their time is devoted to the plan; advertising, publicity, printing and stationery; telephone, telegraph and postal charges; necessary transportation expenses of workers moved within the province; expenses of local agricultural committees up to a specified maximum; the cost of hostels or camps; expenses up to a specified maximum incurred in connection with accidents suffered by workers; assessments for workmen's compensation covering officials of camps or hostels; and the cost up to a specified maximum of supplementary living allowances paid according to stated conditions to the dependants of men operating farms of low productivity who are directed to farms of high productivity and are required to live away from home. No portion of wages may be a charge under the agreement except board and lodging provided temporarily to facilitate placement.]

[The province is responsible for the distribution of workers recruited in other provinces and it must make every effort to ensure that the period of employment of such workers is of substantial length and that the terms of employment in each case are clear. The Dominion pays the full cost of transporting these workers from their homes to designated central points within the province but the cost of transportation from the central point to the place of employment is to be borne equally by the Dominion and the province.]

[The province agrees to make full use of the placement facilities of the Dominion's Employment and Selective Service Offices. It also agrees that the staff engaged in organizing manpower for the farms will be available to assist the selective service officials in recruiting farm labour for other work in the slack season.]

[Adequate working and living conditions must be maintained to protect the health and welfare of workers recruited for farm employment. No religious, racial or political discrimination is permitted.]

[In any question as to the liability of the Dominion to contribute, the decision of the Minister of Labour is final. The province must maintain adequate records, furnish monthly reports and submit claims for payment within 120 days of the end of the month in which the expenditure was incurred. The Dominion may appoint inspectors and the province must facilitate their work. The Dominion's expenditures under the agreement are for the fiscal year 1943-44.]

### Employment of Prisoners of War

P.C. 2326, May 10, 1943.—[Authorizes the Minister of Labour to make necessary arrangements with the Minister of National Defence for the selection of prisoners of war who agree to undertake work in agriculture and other essential employment, to establish labour camps for their accommodation and to enter into agreements with any person, province or Dominion Govern-



ment department for their employment. The Department of Labour is responsible for the employment and welfare of these prisoners and for the establishment and administration of any labour camps which may be necessary. The Minister may employ the necessary employees for the operation of the camps.

[Each labour camp is an annex to a main Prisoner of War Camp, but from the time the prisoners are delivered to the annex until they are returned to the main camp the responsibility for security rests on the Minister of Labour. The Minister of National Defence will make available officers of his Department to assist the Minister of Labour in determining security measures, and army personnel to a maximum of 6 per 100 prisoners to assist the Minister in the conduct of the camp and the maintenance of discipline. The Department of National Defence continues to be responsible for the discipline of prisoners engaged in agriculture and other work and will be consulted from time to time by the Department of Labour to ensure uniformity of practice in security, welfare, etc.]

[The Department of External Affairs must be consulted from time to time by the Department of Labour to ensure that the provisions of the Prisoners of War Convention are complied with.]

### **Japanese, Other Enemy Aliens and Other Asiatics**

#### *Placement, Control and Maintenance*

P.C. 946, Feb. 5, 1943.—[In March, 1942, a British Columbia Security Commission was established to direct the evacuation of persons of the Japanese race who were required to leave protected areas of British Columbia by an order issued under the Defence of Canada Regulations. The members of the Commission acted without remuneration and after the evacuation and initial placing had been substantially carried out, the present Order-in-Council was passed to make new provision for placement, control and maintenance.]

[Under it the Minister of Labour is to supervise the evacuation of the Japanese from the protected areas of British Columbia and their placement and control elsewhere in Canada, and of providing for their transport, housing, feeding, care, protection, employment and welfare and the welfare of their dependants. He is authorized, among other things, to enter into an agreement with any province regarding the placement in that province of persons of Japanese race. The British Columbia Security Commission also had this power and had already entered into agreements with several provinces whereby considerable numbers of Japanese have been placed at work, chiefly farming, in these provinces.]

[A Commissioner of Japanese Placement is the chief executive officer responsible, under the Minister of Labour, for the administration of these Regulations. The Minister has an Advisory Board. Assistance must be furnished him by all departments or agencies of the Dominion Government, including the R.C.M.P. in compiling information about evacuated persons, the Department of Transport in providing transport, and the R.C.M.P. and the Department of National Defence in maintaining public security.]

### *Work Camps*

P.C. 1348, Feb. 19, 1942, amended by P.C. 6758, July 31, 1942 and P.C. 8173, Sept. 11, 1942.—[Authorizes the Minister of Mines and Resources to establish work camps for male enemy aliens, including Japanese, on projects of national benefit which are located outside of protected areas. This Minister is responsible for the maintenance, care and employment of such aliens as may be assigned to the camps by the Minister of Labour. The projects are approved by the Minister of Labour with the concurrence of the Minister of Mines and Resources and the Minister of Labour has power to enter into agreements with any province or individual for the employment of the men in the camps.]

[The pay of unskilled labour is fixed at 25 cents per hour for an eight-hour day and 48-hour week and the pay of other workers is set forth in regulations issued by the Minister of Labour under authority of the Order-in-Council. The men in the camps are under the Government Employees' Compensation Act and regulations regarding the payment to them of workmen's compensation have been issued (p. 43).]

### *Timber Industry, British Columbia*

P.C. 1422, Feb. 23, 1943.—[Since additional labour is necessary to prevent timber production in British Columbia from falling below requirements, this Order-in-Council was passed to provide that for the duration of the war no person of Asiatic racial origin will be disqualified from employment in the timber industry of that province because of any provincial statute or Order-in-Council or any condition contained in a contract, lease, licence or concession. Regulations under the Forest Act prohibit the employment of such persons on Crown lands of the province.]

### *Wood Fuel Cutting and Timber Operations*

P.C. 4365, May 28, 1943.—[Settlements of Japanese evacuated from protected areas have been set up in the interior of British Columbia, and to relieve the shortage of wood fuel and at the same time to make use of the services of people in these settlements, the Commissioner of Japanese Placement is authorized by this Order-in-Council to engage in wood-cutting and other timber operations, to employ Japanese labour and fix the rate of wages, to make other necessary arrangements, and to arrange with the Wood Fuel Controller for the delivery and sale of the wood.]

### *Canadian Japanese Construction Corps*

P.C. 1271, Feb. 17, 1942, amended by P.C. 2542, Mar. 31, 1942.—[Since Canadian nationals of Japanese origin expressed a desire to assist in the Dominion's war effort, Order-in-Council P.C. 1271 authorized the establishment of a Canadian Japanese Construction Corps and provided for its administration. Order-in-Council P.C. 2542 provided, however, that the corps would not be formed until the Minister of Labour decides that it will aid in the fullest possible use of manpower in Canada.]

### *Alaskan Highway and Other Projects*

P.C. 10368, Nov. 17, 1942.—[Approves an agreement between Canada and the United

States regarding labour on the Alaska Highway project and other current and future projects of the two countries, which is embodied in an annexed exchange of notes.

[The terms of the agreement are as follows. United States contractors will normally employ only United States employees i.e., workers whose original contract of employment is made outside Canada and who have not been ordinarily resident in Canada in the preceding three months. In special cases, however, they may engage workers ordinarily resident in Canada but they must do so through the Canadian employment service. It is recognized, moreover, that in some cases workers ordinarily resident in Canada have already been employed by United States contractors.

[United States contractors in respect of their United States employees are not subject to Canadian federal or provincial laws relating to wages, bonus and conditions of work nor to Canadian workmen's compensation laws. Canadian contractors are subject to Canadian workmen's compensation laws in respect of their Canadian employees except that all workers employed by any contractors engaged on United States Government contracts in the Northwest Territories and the Yukon are covered by the United States Longshoremen's and Harbor Workers' Compensation Act as amended.

[The Canadian Unemployment Insurance Act applies to all Canadian workers but to no United States workers, whether the contractor is Canadian or American. American insurance companies operating in Canada under the United States War Department Insurance Rating Plan or similar plans are exempt, in regard to the project covered by these notes, from Canadian taxation on premium and income. They must, however, be registered in Canada and approved by the Canadian Superintendent of Insurance.]

### **Supplementary Allowances**

#### *Return Travelling Expenses*

P.C. 27/653, Jan. 27, 1943.—[The National Selective Service Regulations, which have now been repealed by the Selective Service Civilian Regulations, authorized Selective Service Officers to arrange where necessary for "the payment of the cost of the transportation of workers, their dependents and effects on a non-recoverable basis." The expenses which could be paid were travelling expenses for the worker alone if he was moved more than 100 miles, travelling expenses for the members of his family where it was deemed necessary to move them and an allowance of not more than \$3 per day for meals and other incidentals during the journey. The Deputy Minister of Justice expressed the opinion that these provisions did not authorize the payment of return expenses and the present Order-in-Council was passed to authorize payment to the workers of their travelling and incidental expenses when returning to a place not further away than the place where they were recruited for employment.]

#### *Queen Charlotte Islands*

P.C. 8974, Oct. 1, 1942.—[Airplane spruce is produced on the Queen Charlotte Islands in

British Columbia where the cost of living is particularly high, and in order to induce essential workers to stay there the Minister of Labour was authorized to arrange for payment to them of a supplementary living allowance of not more than \$5 per week. This allowance is payable only to workers or classes of workers who have been employed in this work for four months after October 1, 1942, and whom the Minister of Labour, with the concurrence of the Timber Controller, declares to be essential workers in the production of airplane spruce. The Minister may make arrangements with employers whereby the latter will advance the allowances to the workers and will be repaid by the Government.]

#### *Polymer Corporation*

P.C. 10088, Nov. 10, 1942.—[As labour had to be assembled quickly for the construction of a synthetic rubber plant to be operated by the Polymer Corporation at Sarnia, Ontario, National Selective Service Officers were authorized, subject to such conditions as the Director of National Selective Service might prescribe, to provide for the cost of transporting from any locality to Sarnia such workers as agreed to work on the construction of the Polymer plant. In addition, any workers who had to maintain two domiciles could be paid a daily allowance of not more than \$5.]

### **Prohibition of Unauthorized Employment Services**

P.C. 1139, Feb. 12, 1943.—[Provides a penalty for any person who directly or indirectly solicits or collects any fee or other compensation from any other person for procuring for him, offering to procure or assisting him in procuring employment. This Order-in-Council does not apply to persons acting on behalf of employment agencies registered under Dominion or provincial law, persons engaged in procuring employment for students or graduates of educational institutions with the authority of the institution, employers or their agents who maintain employment services as part of their business organizations for the exclusive purpose of procuring employees for those businesses, or persons authorized to collect trade union dues.]

### **Income Tax for Certain Persons from Abroad**

P.C. 1/945, Feb. 5, 1943.—[Certain persons from abroad are engaged in essential Canadian war work because of their special skill or knowledge. If any such person has come to Canada since the outbreak of war and if the Minister of the Department concerned or the Minister of National Revenue has reasonable proof that there is a real possibility of losing his services due to the fact that Canadian income tax rates are higher than those of his native country, the Minister of National Revenue may collect income tax from him on the basis of the rates in effect in his own country. The employer, however, must pay the difference between the tax which would be levied at Canadian rates and that actually levied.]



## Distribution of Manpower between Armed Forces and Industry

The first manpower regulations in Canada were the National War Services Regulations, 1940 (Recruits) which provided for compulsory military service. During 1941 and 1942 these Regulations were amended frequently and were twice consolidated. They were originally administered by the Minister of National War Services, but as the manpower policy relating to industry steadily developed in scope it became apparent that the administration of the entire Selective Service Program should be co-ordinated under one Minister, and in September, 1942, it was provided that, effective December 1, the administration of the National War Services Regulations (Recruits) would be transferred to the Minister of Labour. The Minister of Labour then submitted that it was necessary to adapt the regulations to conform to the change in administration and on December 1 they were re-issued under the title of National Selective Service Mobilization Regulations.

The Mobilization Regulations complement the Selective Service Civilian Regulations. They apply to all age classes or parts of age classes which may be designated by proclamation. For administrative purposes the country is divided into thirteen Divisions in each of which there is a Registrar. When the Minister of Labour is informed by the Department of National Defence that a certain number of men are required for military training, he may instruct each Registrar to apply these Regulations to a specified number of men in his Division who have been in Canada during the previous year or who are British subjects and have been ordinarily resident in Canada at any time after September 1, 1939. The men selected will be ordered to report for medical examination, and if they are medically fit and are not granted a postponement they will be required to report for military training.

Provision is made for the postponement of the military training of persons employed in essential industries, seasonal occupations or agriculture. In each Division there is a Mobilization Board which considers applications for postponement orders made under these Regulations, as well as similar applications under the Reserve Army (Special) Regulations (p. 88). An application for a postponement order must be made by the man himself but it may be supported by his employer, and any employer may, or may be required to, submit to the Board a plan for the postponement of the military training of any group of his employees. Postponement orders may be granted for not more than twelve months in the first instance but one or more extensions of not more than six months each may be granted. In the case of persons employed in agriculture postponement orders are granted until further notice.

Postponement orders may also be granted to men whose reporting for military training would cause extreme hardship to their dependents and to Doukhobors, Mennonites and conscientious objectors. The latter class may be required to report for alternative service under Part IIA of the Civilian Regulations (p. 56). Special provisions are made regarding university and high school students.

In addition to the provisions of the Mobilization Regulations relating to postponement orders, there are several other measures designed to prevent the absorption into the armed forces of men needed elsewhere. Sec. 23 of the Reserve Army (Special) Regulations as amended permits in some cases the release of key men who have been called out for compulsory military training and have already commenced training. Canadian Army Routine Orders provide that in certain circumstances key men from war industries who enlist may be granted leave of absence to return to their jobs immediately after enlistment and that soldiers who are already serving may be granted leave to return temporarily to war industry. At the beginning of the war two Orders-in-Council were passed providing for the retention in employment, if necessary, of persons employed in the Public Service of Canada or in certain transport and communication undertakings who were called into active service by reason of being members of the forces.

## National Selective Service Mobilization Regulations

P.C. 10924, Dec. 1, 1942, amended by P.C. 11240, Dec. 11, 1942, P.C. 455, Jan. 19, 1943, P.C. 740, Jan. 28, 1943, P.C. 1713, Mar. 4, 1943, P.C. 1836, Mar. 8, 1943, P.C. 2821, Apr. 7, 1943, and P.C. 4826, June 14, 1943.—Whereas, pursuant to Order-in-Council, P.C. 8800, dated September 26, 1942, the administration of The National War Services Regulations, 1940 (Recruits) has been transferred to the Minister of Labour;

And whereas the Minister of Labour submits that it is therefore necessary for the security, defence, peace, order and welfare of Canada and for the efficient prosecution of the war, that the regulations with reference to compulsory military service be adapted to conform to the change in administration.

Therefore, His Excellency the Governor-General in Council, on the recommendation of the Minister of Labour, is pleased to revoke and doth hereby revoke The National War Services Regulations, 1940 (Recruits).

His Excellency in Council, on the same recommendation and under the authority of the War Measures Act and the National Resources Mobilization Act, 1940, is further pleased to make the attached Regulations and they are hereby made and established accordingly.

### Short Title

1. These regulations may be cited as The National Selective Service Mobilization Regulations.

### Interpretation

2. (1) In these regulations unless the context otherwise requires,

- (a) "agriculture" means the production on a farm of field crops, fruits, vegetables, honey, poultry, eggs, livestock, milk, butter or cheese;
- (b) [Revoked, P.C. 2821].
- (c) "Board" means a Mobilization Board established under these regulations, and with reference to any man, means the Board established for the Division in which he resides;
- (d) "conscientious objector" means a person to whom a postponement order has been granted on the ground that he conscientiously objects, by reason of religious training and belief, to war in any form and to participation in combatant military service in which he might be required to take human life;
- (e) "department" means the Department of Labour;
- (f) "dependent" means, with reference to any person, a person dependent for support on the income earned by such person in a business, occupation or employment;
- (g) "designated" when used with reference to any age class or part of an age class of men, means that such class or part of a class has been designated under section three; and when used with reference to any man, means that he is a man to whom these regulations apply and belongs to an age class or part of an age class which has been designated;

- (h) "Division" means a territorial division established by or pursuant to these regulations and, with reference to any man, means the Division in which he resides;
- (i) "essential industry" means an industry or servicing activity declared by the Minister to be in the national interest or essential to the successful prosecution of the war, or which, in the opinion of the Board, is essential to the successful prosecution of the war;
- (j) "examining physician" means a medical practitioner appointed as an examining physician pursuant to these regulations;
- (k) "military training" means military, naval, or air force training, service or duty in Canada and the territorial waters thereof;
- (l) "Minister" means the Minister of Labour;
- (m) "national" includes subject or citizen;
- (n) "National Selective Service Officer" means a person appointed as such pursuant to the Order in that connection made by the Governor in Council on the twenty-first day of March, nineteen hundred and forty-two;
- (o) "National War Labour Board" means the Board established by the Wartime Wages Control Order;
- (p) "non-declarant alien" means an alien who has not made a declaration of intention to apply for naturalization pursuant to the order made by the Governor in Council in that connection on the ninth day of July, nineteen hundred and forty-two;
- (q) "Order—Medical Examination" means an order served on a man pursuant to these regulations requiring him to submit himself for medical examination;
- (r) "Order—Military Training" means an order served on a man pursuant to these regulations requiring him to report for military training;
- (s) "peace officer" has the same meaning as in the Criminal Code;
- (t) "person employed in agriculture" means a person who, on the twenty-third day of March, nineteen hundred and forty-two, was wholly or mainly employed or occupied in agriculture and includes any person who, on the said day, was employed or occupied on seasonal work in a primary industry and whose last employment or occupation immediately prior to such employment or occupation in a primary industry was wholly or mainly in agriculture, but does not include any such person who, since the first day of December, nineteen hundred and forty-two, has been employed or occupied outside agriculture unless seasonally or temporarily employed or occupied outside an urban municipality for not more than sixty days in any year when such employment or occupation does not interfere with agricultural production or unless employed or occupied outside agriculture pursuant to a permit from a National Selective Service Officer.\*

\* See also sec. 46.



- (tt) "primary industry" means lumbering and logging, forestry, fishing and trapping.
- (u) "postponement order" means an order made under The National War Services Regulations, 1940 (Recruits) or these regulations postponing a man's compulsory military training;
- (v) "prescribed" means prescribed by the Minister;
- (w) "proclamation" means a proclamation issued by the Governor in Council under these regulations;
- (x) "Registrar" means a Registrar appointed pursuant to these regulations and, with reference to any man or Board, means the Registrar for the Division in which such man resides or such Board is established;
- (y) "registration card" means a registration card completed pursuant to the National Registration Regulations, 1940;
- (z) "registration certificate" means a registration certificate issued pursuant to the National Registration Regulations, 1940;
- (za) "representative of agriculture" means the person authorized by the Minister of Agriculture to act as such in any Division;
- (zb) "representative of the Department of National Defence" means the officer authorized by the Department of National Defence to act as such in any Division;
- (zc) "representative of the Director of National Selective Service" means the person authorized by the Director of National Selective Service appointed pursuant to the order in that connection made on the twenty-first day of March, nineteen hundred and forty-two to represent him in any Division;
- (zd) "representative of the National War Labour Board" means a person authorized by that Board to act as such in any Division; and
- (ze) a reference to a section or schedule by number only shall be a reference to such section or schedule in these regulations.
- (zf) "year" means a year commencing on the first day of a month of January. (Amended, P.C. 455).
- (2) Men in Canada shall be classified in yearly age classes and the age class of any man shall, unless the Minister otherwise specifies, be termed that of the year in which he was born.

(3) Where a certain number of days expressed to be clear days is prescribed by these regulations for the doing of an act or the taking of a proceeding, a holiday as defined by the Interpretation Act, shall not be reckoned in the computation thereof.

#### PART I Application

3. (1) These regulations shall apply to such age classes or parts of age classes of men as the Governor in Council may, from time to time, by proclamation in the *Canada Gazette* designate for the purpose.\*

(2) Notwithstanding subsection one of this section, these regulations shall not apply to the following:

- (a) a Judge of the Supreme or Exchequer Court of Canada or of the Superior, District or County Courts,
- (b) a member of the Clergy or of a Religious Order,
- (c) a regular clergyman or a minister of a religious denomination,
- (d) a *bona fide* candidate or student for the ministry of a religious denomination eligible to supply chaplains to the armed forces, in the discretion of the Board,
- (e) a member of His Majesty's Naval, Military or Air Forces on Active Service, or a cadet or other student entered at one of His Majesty's Naval, Military or Air Force Colleges in Canada,
- (f) a member of the Royal Canadian Mounted Police or of a provincial police force,
- (g) a member of a municipal police force or fire brigade or a warden or officer of a penitentiary, prison, lunatic asylum or mental hospital, in the discretion of the Board,
- (h) a non-declarant enemy alien,
- (i) a non-declarant alien who is a national of Belgium, Czechoslovakia, the Netherlands, Norway, Poland, the United States of America, Yugoslavia or any other country which is a foreign power under the Foreign Forces Order, 1941, if he has filed with the Registrar satisfactory evidence that he has become a member of the armed forces of the state of which he is a national.
- (j) a non-declarant alien who is a national of any country not specified or described in paragraph (i) of this subsection if he has completed a statutory declaration in the form set out in Schedule "A", and has filed the same with the Registrar or
- (k) An employee of the government of a country other than Canada who is not engaged in any business or calling in Canada other than that required by the duties pertaining to his official position and who is a national of such country or, in the case of an employee of the government of one of the countries forming part of the British Commonwealth of Nations, was, before the commencement of such employment, ordinarily resident in such country.

(3) If a man who is in Canada and not specified in subsection two of this section belongs to an age class or part of an age class which has been designated under these regulations or called out pursuant to The National War Services Regulations, 1940 (Recruits), he shall be deemed to be designated under these regulations whether or not he was in Canada or specified in subsection two of this section when his age class or part of

\* Order-in-Council P. C. 3131, Apr. 19, 1943, authorizes a proclamation which consolidates all previous proclamations on the subject and designates certain additional classes. By it the following classes are designated: all men born in the years 1917 to 1924 inclusive, and all men born in the years 1902 to 1916 inclusive who on July 15, 1940, were widowers without children or judicially separated or unmarried men or who have since that date been divorced or judicially separated or have become widowers without children.

an age class was designated or called out. (Amended, P.C. 1713)

#### *Divisions*

4. (1) Canada, for the purposes of these regulations, is hereby divided into thirteen Divisions as set out in Schedule "B".

(2) The Minister may, from time to time, by a notice in the *Canada Gazette* increase or decrease the number of Divisions in Canada and may, from time to time, in like manner, fix the boundaries of any Division.

#### *Registrars*

5. (1) The Governor in Council may appoint a Registrar for each Division, who shall be known as the Divisional Registrar of the Division for which he is appointed and, in the event of his absence or disability, the chairman of the Board may appoint an officer or employee of the department to act in his place.

(2) The Registrar shall be the chief administrative officer in the Division for which he is appointed.

(3) The Registrar shall perform any and all duties which may, from time to time, be required of him by the Minister, and, generally, render such services as will facilitate or expedite the prompt and effective discharge and execution of the duties and powers of the Board and the carrying out and enforcement of these regulations.

#### *Duties of Registrars*

6. (1) The Minister, upon being informed by the Department of National Defence that a specified number of men are required for military training, may instruct any Registrar to apply these regulations to a specified number of men from his Division, and may inform a Registrar how many French-speaking men are required.

(2) The Registrar shall select the number of men required from designated men in his Division who

- (a) have been in Canada, except for temporary absences, throughout the year immediately preceding their selection, or
  - (b) are British subjects who are or have been, at any time subsequent to the first day of September, nineteen hundred and thirty-nine, ordinarily resident in Canada,
- and he may select any such man from time to time.

(3) When a man is selected under this section, the Registrar shall assign a serial number to him.

(4) The Registrar shall serve each man so selected, or cause him to be served, either personally or by registered post, with an order, in prescribed form, requiring him to submit himself for medical examination, within three clear days, to one of the nearest examining physicians, and after such examination, if the man is, in the opinion of the Registrar, fit for military training and no postponement order has been granted to him, the Registrar shall serve him or cause him to be served, either personally or by registered post, with an order, in prescribed form, requiring him to report at a military training centre or district depot, at a time and place indicated therein, to be dealt with in accordance with the orders and regulations of or relating to the De-

partment of National Defence, and any man to whom an "Order—Military Training" is sent under this subsection shall comply therewith and shall submit to the medical examination for which provision is made in the Reserve Army (Special) Regulations, 1941.

(5) Upon the cancellation of a postponement order or the expiration of the period during which a man's military training is postponed by a postponement order, the Registrar shall serve the man to whom the order was granted or cause him to be served, either personally or by registered post, with a notice in prescribed form, requiring him to report at a military training centre or district depot at a time and place indicated therein, to be dealt with in accordance with the orders and regulations of or relating to the Department of National Defence, and any man to whom an "Order—Military Training" is sent under this subsection shall comply therewith and shall submit to the medical examination for which provision is made in the Reserve Army (Special) Regulations, 1941.

(6) The Registrar shall issue necessary instructions respecting medical examinations and shall issue warrants for transportation, meals and lodgings as required.

(7) There may be paid to a man upon whom an "Order—Military Training" has been served a subsistence allowance of fifty cents a meal for the meals which he would normally require from the time he leaves the place to which the order is sent until he arrives at the place where he is ordered to report.

(8) When no sleeping accommodation is provided at public expense and the Registrar is satisfied that the man has travelled as instructed, there may be paid to a man upon whom an "Order—Military Training" has been served a lodging allowance of one dollar and twenty-five cents for each night necessarily spent at a stop-over point whilst en route from the place to which the "Order—Military Training" was sent to the place where he has been ordered to report.

(9) A warrant for transportation issued pursuant to this section shall provide for transportation from the man's last known place of residence or from such railway, bus or boat stop as to the Registrar seems most convenient to the place where the man has been ordered to report.

(10) Every person carrying on a business of transportation shall accept and honour a transportation warrant issued by or on behalf of a Registrar pursuant to this section.

(11) From time to time the Registrar shall furnish to the representative of the Department of National Defence in his Division, a list of the men upon whom "Orders—Military Training" have been served, and such list shall contain serial numbers and the names and last known addresses of such men.

(12) If, while a man is subject to these regulations, a change occurs in his address or in his matrimonial status, he shall forthwith notify such change to the Registrar of the Division in which he resided immediately before such change occurred, and if he fails to do so, he is guilty of an offence, and liable on summary conviction to imprisonment for a term not exceeding one



month or to a fine of not less than twenty-five dollars and not exceeding one hundred dollars or to both such imprisonment and such fine.

(13) Upon being notified of a change of address pursuant to this section, a Registrar shall, if he is satisfied that the man concerned has changed his residence to another Division, transfer the copy of the registration card and other records of the man to the Registrar of the Division to which the man has moved, and the latter Registrar shall take such steps under these regulations with reference to such man as have not been taken by the other Registrar.

(14) Every man to whom these Regulations apply shall keep his Registrar advised at all times of the address where mail will reach him, and any man who fails to do so is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding one month or to a fine of not less than twenty-five dollars and not exceeding one hundred dollars or to both such imprisonment and such fine. (Amended, P.C. 2821)

6A. (1) Every designated man who has not been served with a notice or order under The National War Services Regulations, 1940 (Recruits), requiring him to submit himself for medical examination or an "Order-Medical Examination" under these regulations shall, at such time as he may be required so to do by a proclamation issued under an order of the Governor in Council, report at the office of a Registrar or a Post Office and complete in duplicate a notice in the form set out in Schedule "C" and deliver the same to a Registrar or Postmaster or a person authorized by a Registrar or Postmaster to receive notices under this section.\*

(2) Where a man delivers a notice to a Registrar or Postmaster or a person authorized by a Registrar or Postmaster to receive notices pursuant to this section, the person to whom it is delivered shall sign the same in the place provided for his signature, shall file one copy thereof in his office and, unless he is the Registrar for the Division in which the man resides, shall forthwith deliver the other copy or send it by post to the Registrar for the Division in which the man resides.

(3) A certificate purporting to be signed by a Registrar, Postmaster or person authorized by a Registrar or Postmaster to receive notices under this section, that a notice has or has not been delivered under this section to him or any other person in the office in which he is employed shall be evidence of the statements contained therein. (P.C. 11240)

#### *Medical Examination*

7. (1) The Minister may appoint any qualified medical practitioner, who is in good standing in Canada, as an examining physician to examine men pursuant to these regulations in the locality in which he practices.

\* A proclamation issued on Dec. 15, 1942, under Order-in-Council P.C. 11241 of Dec. 11 required all men born in the years 1902 to 1923 inclusive who on July 15, 1940, were unmarried or widowers without children or who since then had become divorced, judicially separated or widowers without children, to report and fill out the required notice on or before Feb. 1, 1943. P.C. 740 and P.C. 1836 added secs. 47 and 48 to the regulations extending the date to Mar. 1 and Mar. 15 respectively.

(2) The Minister shall supply each examining physician with a copy of the Department of National Defence publication known as "Physical Standards and Instructions for the Medical Examination of Recruits".

(3) Upon receipt from the Registrar of an "Order—Medical Examination", the man shall immediately notify his employer of the receipt of such order and report at his own cost to one of the nearest examining physicians for examination; and if so ordered by the Registrar, the man shall report for further examination or examinations by such examining physicians as the Registrar may designate.\*

(4) No examining physician shall examine a man until he presents an "Order—Medical Examination" issued by a Registrar.

(5) Every man reporting for medical examination pursuant to these regulations shall leave his "Order—Medical Examination" with the examining physician who shall forward it to the Registrar attached to the original completed form prescribed by the Minister and known as "Medical Examination and Certificate Form" after having carried out the examination in accordance with the instructions contained in the Department of National Defence publication known as "Physical Standards and Instructions for the Medical Examination of Recruits" and having placed the men in one of the categories mentioned in "Physical Standards and Instructions for the Medical Examination of Recruits".

(6) When the accuracy of the "Medical Examination and Certificate Form" completed by an examining physician is questioned, the Registrar may order the man concerned to submit himself for further medical examination or examinations by a medical revision board of three examining physicians appointed by the Minister at such time and place as the Registrar shall indicate.

(7) If a man is not, in the opinion of the Registrar, fit for military service, the Registrar shall issue to him a certificate to the effect that he has been medically examined under these regulations and that, because of his physical condition, he is not, for the time being, required to report for military training; and the holder of any such certificate shall retain the same in his possession and shall deliver it to the Registrar for cancellation when the Registrar so requires by notice in writing.

#### *Mobilization Boards*

8. (1) There shall be a Board for each Division which shall be known as the Mobilization Board for the Division and shall consist of such members as the Governor in Council shall appoint.

(2) One member of each Board shall be a Judge of a Superior or other Court of the Province in which the larger part of the Division is situated and shall be the Chairman of the Board.

(3) The Minister may appoint one or more Deputy Chairmen from among the members of a Board and establish their relative seniority.

\* Order-in-Council P.C. 45/4690, June 8, 1943, provides that, notwithstanding sec. 7 (3), the Director of National Selective Service may defray the travelling expenses of a man responding to an "Order-Medical Examination" if the man lives in a remote locality where the necessary medical facilities are not available and if he cannot afford to pay these expenses himself.

(4) Two members of a Board, one of whom shall be the Chairman or a Deputy Chairman, shall constitute a quorum, and different parts of the Board may meet and act at different places at the same time but no more than three shall sit at the same time at any place.

(5) The decision of a majority of the members of a Board present at a meeting shall be the decision of the Board and in the case of a tie the Chairman, or, in his absence, the senior Deputy Chairman present, shall have the casting vote.

(6) The decision of the majority of a Board shall be final and conclusive but the Board may reconsider or review a decision of its own motion at any time.

(7) No member of a Board shall be responsible at law for anything done by him in good faith in the performance of his duties under these regulations, and no action shall be taken against any member of a Board in respect of the performance or non-performance of his duties hereunder.

(8) The Registrar of a Division shall be the Clerk of the Board for such Division unless the Board appoints an officer or employee of the Department other than the Registrar to be the Clerk of the Board in such Division and the Board may appoint any such officer or employee to be a Deputy Clerk of the Board.

#### *Powers and Duties of a Board*

9. (1) A Board shall adjudicate upon:

- (a) every application for a postponement order made under these regulations,
- (b) every application for a postponement order made under the Reserve Army (Special) Regulations, 1941,

and in addition, shall undertake and carry out any other duties which may be imposed upon it by these regulations or by the Governor in Council.

(2) A Board shall investigate and review applications for leave of absence under section twenty-three of the Reserve Army (Special) Regulations, 1941 and such applications for leave on similar grounds for active personnel of the Canadian Army and members (H.D.) of the Canadian Army as may be referred by the Adjutant-General to a Board.

(3) Upon an application for a postponement order, the Board may, before disposing of the application, order the applicant to appear before the Board or a member of the Board, or before a Judge of a Superior or other Court, a Police or Stipendiary Magistrate, or a Magistrate having the authority of two Justices of the Peace, at such time and place as the Board may specify to establish his claim for postponement; but in any such case the application shall be disposed of by the Board.

(4) A Board, a member of a Board, a Judge, a Magistrate or a Registrar, if so authorized by a Board, may, in connection with proceedings before the Board, take evidence on oath or affirmation and may administer oaths and may summon persons to attend before him or them for the purpose of giving evidence, and for the purposes of these regulations, a Board or any such person shall have all the powers of a Commissioner appointed under Part I of the Inquiries Act.

(5) No proceeding authorized or pending before a Board and no decision of a Board shall, by means of an injunction, prohibition, mandamus, certiorari, habeas corpus or other process, issuing out of court, be enjoined, restrained, stayed, removed or subjected to review or consideration on any ground whether arising out of alleged absence of jurisdiction in a Board, nullity, defect or irregularity of the proceedings or any other cause whatsoever, nor shall any such proceedings or decision be questioned, reviewed or reconsidered in any court. (Amended, P.C. 1713).

10. (1) A man upon whom an "Order—Medical Examination" has been served under these regulations may apply to a Board for a postponement order by filing an application for such order in writing with the Registrar who issued the "Order—Medical Examination" not later than fourteen clear days after the date appearing on such Order.

(2) Such application shall be signed by the applicant and shall set out in a concise form the grounds upon which the postponement order is sought.

(3) At the hearing of all applications made to a Board, the representative of the Department of National Defence, the representative of the National War Labour Board, the representative of Agriculture and the representative of the Director of National Selective Service shall be entitled to be present and to make such representations as they may deem fit.

(4) Any person who appears before a Board shall do so at his own expense.

(5) If an application for a postponement order is made on the ground that his reporting for military training will cause extreme hardship to those dependent upon the applicant, the Board may grant him a postponement order.

(6) The Board may grant a postponement order when it is of opinion that it is in the national interest to do so.

(7) No exemption order and no indefinite postponement order may be made under these regulations and no postponement may be granted for more than twelve months in the first instance but, upon reviewing a postponement order, the Board may grant one or more extensions not exceeding six months at any time and may cancel an order at any time for military reasons or for cause.

(8) Where an application for a postponement order is made by a man engaged in an essential industry, coal or base metal mining, fishing, lumbering, seafaring, railroad transportation, a public utility or in an occupation which the Minister has declared to be a seasonal occupation or one essential to the prosecution of the war or in the national interest, the Board shall take into account the supply of labour available, the importance of the particular applicant's position in such industry or occupation and the importance of such industry or occupation to the national economy and the prosecution of the war.

(9) Notwithstanding subsections seven and eight of this section the Board shall, upon the application of a person employed in agriculture, grant him a postponement order until further notice, unless it is established to the satisfaction



of the Board that such person is not an essential worker in agriculture or that such person has, at any time since the twenty-third day of March, nineteen hundred and forty-two, ceased to be a person employed in agriculture; but any such postponement order or an order made on similar grounds under The National War Services Regulations, 1940 (Recruits) may be cancelled by the Board if it is satisfied that such person has, at any time since the twenty-third day of March, nineteen hundred and forty-two ceased to be a person employed in agriculture.

(10) Any employer, including the Government of Canada, the Government of any Province and a municipal corporation, may submit, at any time, for consideration by the Board, a plan for the postponement of the military training of any group of its employees, and the Board may instruct any employer to submit such a plan if in its opinion such action is advisable.

(11) All hearings of a Board shall, unless the Board otherwise direct, be in camera, and no person shall be entitled to be represented by counsel, advocate or solicitor, but the representatives mentioned in subsection three of this section shall be entitled to be present at hearings of the Board and make such representations as they deem fit.

(12) Any employer may support an application for a postponement order made by any of his employees on any ground set out in these regulations and a dependent of a man who applies for a postponement order on the ground that his reporting for military training will cause extreme hardship to such dependent, may support such application; and in any such case the employer or the dependent shall support the application by making representations to the Board in writing and filing such representations in the office of the Registrar not later than fourteen clear days after the date appearing upon the applicant's "Order—Medical Examination".

(13) The decision of the Board shall be final and conclusive and binding upon all concerned but before making an order the Board may make any investigation it may deem advisable and it may reconsider or review its decision, of its own motion, at any time.

(14) Notwithstanding the foregoing provisions of this section the Board may postpone the sending of an "Order—Medical Examination" to any professional or technical man who is certified by any department of the Government of Canada or the Wartime Bureau of Technical Personnel or the National War Labor Board, to be engaged in work which is in the national interest or essential to the prosecution of the war.

(15) Notwithstanding the foregoing provisions of this section, no "Order—Medical Examination" shall be sent to a man who is a member of the reserve army and holds a rank senior to that of corporal without the consent of the representative of the Department of National Defence.

(16) The Registrar shall not, while any application for a postponement order is pending before the Board, send the applicant an "Order—Military Training."

11. (1) The Minister may from time to time declare an occupation to be a seasonal occupation

or one essential to the prosecution of the war or in the national interest.

(2) The Minister may from time to time declare that any industry or servicing activity is in the national interest or essential to the prosecution of the war and furnish to the Board lists of such industries or servicing activities, and any such industry or activity shall be termed an "essential industry."

#### *Students*

12. (1) In this section

(a) "Student" means a designated person other than a person to whom a postponement order has been granted on the ground that he is a Doukhobor, Mennonite or conscientious objector, pursuing in good faith in the opinion of the Board,

(i) a full course of studies at a Canadian university or college leading to a degree in Arts, Science or Commerce,

(ii) an academic course at a preparatory school, the satisfactory completion of which is required as a prerequisite to a course leading to a degree in Arts, Science or Commerce, or is accepted as an alternative to a part of such a course, or

(iii) a course of studies at a Canadian university, college or school, the satisfactory completion of which, in the opinion of the Board, would be in the national interest or would aid the prosecution of the war.

(b) "District Officer Commanding" with reference to any university, college or school, means the Officer Commanding the military district in which the university, college or school is situated.

(2) At the beginning of each academic year, every student shall submit himself to an examining physician specified by the District Officer Commanding for a medical examination in accordance with "Physical Standards and Instructions for the Medical Examination of Recruits" and if, in the opinion of the District Officer Commanding, he is physically fit, he shall enrol in a Canadian Officers' Training Corps Contingent if acceptable thereto and a vacancy exists therein, or an auxiliary training unit of his university, college or school, if any, or in such other military or cadet unit as the District Officer Commanding may direct, and shall therein undergo military training to the satisfaction of the District Officer Commanding.

(3) The Registrar shall require every student to report for military training pursuant to section six if the student:—

(a) Refuses to enrol, as required by subsection two of this section, in a Canadian Officers' Training Corps contingent or an auxiliary training unit of his university, college or school, or in such other unit as the District Officer Commanding may direct.

(b) fails to perform therein military training to the satisfaction of the District Officer Commanding, or

(c) fails to pass any term or yearly academic examination required by his university,

college or school, unless in the opinion of the university, college or school authorities and the District Officer Commanding, such failure is due to circumstances beyond the control of such student and he should be permitted to continue his course of studies.

(4) The authorities of every university, college or school at which any student is pursuing a course of studies shall furnish the District Officer Commanding and the Registrar with the name, date and place of birth and last known address of every student who fails to pass any required academic examination and the Electoral District and Polling Division numbers shown on his Registration Certificate.

(5) A student shall not change a course of studies commenced at a university, college or school unless the university, college or school authorities and the District Officer Commanding consent to such change, and such consent shall not be given unless, in the opinion of such authorities and the District Officer Commanding the change is in the national interest or will aid the prosecution of the war.

(6) No student shall pursue post-graduate studies in any subject unless in the opinion of the university or college authorities and the District Officer Commanding, the pursuance of such studies is in the national interest or will aid the prosecution of the war.

(7) The Registrar shall require every student to report for military training pursuant to section six, upon the normal completion of his course of studies at a university, college or school unless he is permitted by these regulations to pursue post-graduate studies.

(8) Subject to subsection nine of this section a designated person shall not be authorized by the chairman of the Board to leave Canada to pursue a course of studies outside Canada if such course of studies is available at a Canadian university, college or school, unless he has been pursuing a course of studies at a university, college or school outside Canada in which case he may be allowed to continue such course of studies to its normal completion and paragraph (c) of subsection three and subsection seven of this section shall apply to him *mutatis mutandis*.

(9) If the Board is satisfied that owing to the financial circumstances of a person or for other reasons it is in the national interest or will aid the prosecution of the war to allow such person to pursue a course of studies leading to a degree in Arts, Science or Commerce at a university, college or school outside Canada, the chairman of the Board may grant permission to such person to leave Canada for that purpose.

(10) Except as otherwise provided in this section, the Board may grant a postponement order to a student who has complied with this section, to a person who has been allowed to pursue a course of studies to its normal completion outside Canada or to a person who has been granted permission to leave Canada under subsections eight or nine of this section.

#### *Doukhobors, Mennonites and Conscientious Objectors*

13. (1) If, upon an application under these

regulations for a postponement order the Board is satisfied that the applicant is a member of the denomination of Christians called Mennonites or a member of the Community of Doukhobors who immigrated to Canada pursuant to the arrangements evidenced by the Order-in-Council of the thirteenth day of August, eighteen hundred and seventy-three and by the Order-in-Council of the sixth day of December, eighteen hundred and ninety-eight, respectively, or by any of the descendants of such immigrants who have continued without interruption to be members of the said sect or denomination of Christians or of the said Community of Doukhobors and who have resided without interruption in Canada, the Board shall grant him an order postponing his military training until further notice, and the Board may cancel a postponement order made under this subsection or one made on similar grounds under The National War Services Regulations, 1940 (Recruits), at any time if it is satisfied that the person to whom it was granted is no longer entitled to such postponement.

(2) If, upon an application under these regulations for a postponement order the Board is satisfied that the applicant conscientiously objects, by reason of religious training and belief, to war in any form and to participation in combatant military service in which he might be required to take human life, the Board shall grant him an order postponing his military training until further notice; and the Board may cancel a postponement order made under this subsection or one made on similar grounds under The National War Services Regulations, 1940 (Recruits), at any time if it is satisfied that the person to whom it was granted is no longer entitled to such postponement.

14. The Registrar shall forward to a person designated by the Minister the name and address of every person to whom a postponement order has been heretofore, or is hereafter, granted under section thirteen or has been granted under The National War Services Regulations, 1940 (Recruits) on similar grounds. (P.C. 2821).

#### *Administration*

15. (1) The Minister shall administer and enforce these regulations and may at pleasure remove and replace a member of a Board, a member of a medical revision board, a registrar, an examining physician or other officer or employee, and may take or authorize to be taken any action whatsoever which a Registrar may take under these regulations, and any action so taken or authorized to be taken by the Minister shall be deemed to have been taken by the Registrar.

(2) The Minister may issue such directions not inconsistent with these regulations as he may deem necessary to give effect thereto according to their true intent and purpose, and any such direction shall have the same force and effect as if enacted herein.

(3) The Minister may

(a) establish such office or offices as are required for the discharge of the duties of each Board, and of each Registrar and provide therefor the necessary accommodation, stationery, equipment and telephones;



- (b) appoint such officers, clerks and other employees as may be deemed necessary to assist a Board in the performance of its duties and fix their remuneration;
- (c) subject to the staff control regulations pay to members of Boards, members of medical revision boards, Registrars, examining physicians and other officers, clerks or employees engaged in the enforcement of these regulations such remuneration and travelling expenses as he may determine.

16. All orders, letters, notices, and other mailable matter addressed by Registrars to any person in Canada, and relating to the business of the Department shall be free of Canada postage, under such regulations as the Postmaster General shall prescribe.

17. (1) For the purposes of these regulations and of any proceedings taken thereunder every order or notice required to be given by registered post, and every other communication sent through His Majesty's Mails shall be presumed, until the contrary is proven, to have been received by the addressee within eight clear days of the posting of such registered letter or any such other communication.

(2) A registered letter or any other communication posted by a Registrar, if undelivered or unclaimed at the end of the number of days indicated on the envelope by the Registrar who posted such letter or communication shall be returned by the Post Office to such Registrar.

#### *Evidence*

18. A certificate purporting to be signed by a Registrar that any notice or order has, pursuant to these regulations or The National War Services Regulations, 1940 (Recruits), been served, or that anything has been done or omitted pursuant to or contrary to these regulations or The National War Services Regulations, 1940 (Recruits), shall be evidence of the statements contained therein.

19. In any proceeding for an alleged contravention of any provision of these regulations, the burden of proving that the duty imposed by the provision was not imposed on him and that he has complied with all the requirements of the regulations under which the proceedings are taken shall be upon the person charged with such failure.

20. Postmasters, sheriffs, clerks of the peace, and clerks or other officers of municipalities throughout Canada, shall post or cause to be posted and kept posted in prominent places in their offices and in other public places throughout their districts or municipalities, as directed by the Minister, copies of any proclamation issued by the Governor in Council under these regulations, and copies of any order, notice or announcement relating to military training issued by authority of the Governor in Council or of the Minister.

#### *Offences*

21. Every peace officer, who, on reasonable and probable grounds, believes that an offence under these regulations has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed any such

offence, is justified in arresting such person whether such person is guilty or not.

22. (1) If a postmaster, sheriff, clerk of the peace, clerk or other officer of a municipality fails to post or cause to be posted or, until the day mentioned in any proclamation then current, keep posted in a prominent place in his office, and in other public places throughout his district, sheriffwick or municipality if directed by the Minister to do so, copies of a proclamation, order, notice or announcement which has been issued under these regulations by authority of the Governor in Council or of the Minister, and which the Minister has required him to post or keep posted, he is guilty of an offence and liable on summary conviction, to a fine of twenty dollars for each day during which such refusal, neglect or failure has continued.

(2) If any person, at any time after a proclamation has been issued wilfully destroys, takes down, tears or defaces a copy of such proclamation, or of an order, notice or announcement, issued by the authority of the Governor in Council or of the Minister, and posted, in an office or public place, he is guilty of an offence and liable on summary conviction, to a fine of not more than two hundred dollars, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

23. (1) No designated male British subject who is, or who has been at any time subsequent to the first day of September nineteen hundred and thirty-nine, ordinarily resident in Canada shall leave Canada for any reason whatsoever unless and until he has been so authorized in writing by the chairman of the Board.

(2) Any person attempting to leave Canada may be accosted by a peace officer, an immigration, customs or excise officer, or any other person authorized by the Minister to exercise the powers conferred by this section; and if, upon being so accosted, such person fails to establish to the satisfaction of the person accosting him

- (i) that he is not a male British subject who is, or who has been at any time subsequent to the first day of September, nineteen hundred and thirty-nine, ordinarily resident in Canada;
- (ii) that he has been authorized in writing to leave Canada by the Chairman of the Board; or
- (iii) that his age class or part of an age class has not been designated;

a peace officer, immigration, customs or excise officer or person so authorized by the Minister is justified in using such force as may be necessary to prevent such person leaving Canada.

24. Every person to whom an order is issued or who is required to do or abstain from doing anything by or pursuant to these regulations shall obey such order or do or abstain from doing such thing as required.

25. (1) Every person shall answer truthfully each question which may be asked of or submitted to him orally or in writing by the department, a Registrar or peace officer, as to any men to whom these regulations may reasonably be supposed to apply or as to any fact which may be of use in determining whether such man is

entitled to an order postponing his military training, or enabling him to be found or identified, and any person who fails to answer any such question truthfully when required to do so is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars.

(2) If such a question is submitted in writing by a Registrar the fact that no answer to it is received by the Registrar within eight days from the delivery of the communication containing the question at the stated address of the person to whom such question is directed shall be evidence that such person is guilty of an offence under this section.

26. Every designated man who fails to submit himself for medical examination within the time limited by and in accordance with the terms of an "Order—Medical Examination" or other order given to him by the Registrar under these regulations is guilty of an offence and liable upon indictment or summary conviction to imprisonment for a term not exceeding twelve months, with or without hard labour, or to a fine of not less than twenty-five dollars and not exceeding two hundred dollars or to both such imprisonment and such fine.

27. Every designated man who fails to report within the time limited by and in accordance with the terms of an "Order—Military Training" given to him under these regulations is guilty of an offence and liable upon indictment or summary conviction to imprisonment for a term not exceeding twelve months, with or without hard labour, or to a fine of not less than twenty-five dollars and not exceeding two hundred dollars or to both such imprisonment and such fine.

28. (1) Where a man is convicted of failing to comply with subsection one of section six A or subsection two of section forty-seven or subsection two of section forty-eight or of an offence under section twenty-six or section twenty-seven, or subsections twelve or fourteen of section six, the Justice or Justices of the Peace, Magistrate, Judge or Court by whom he is so convicted shall, if counsel or other person acting for the Crown so requests, in addition to imposing the punishment provided for the offence, direct that such man shall be taken, either forthwith or upon the expiration of the term of imprisonment if any, in police custody to the nearest military training centre or depot and that he shall be held there in such custody until he becomes a member of the active militia pursuant to the Reserve Army (Special) Regulations, 1941, or such other regulations as may be applicable or until he is found by the military authorities not to be fit for military training.

(2) Where an order is made under subsection one of this section, the man in respect of whom it is made shall be deemed to have been served with an "Order—Military Training" under these regulations.

(3) Where an order is made under subsection one of this section and a fine is at the same time imposed upon the man in respect of whom it is made, the fine or any part thereof, on the request of the Minister, may, subject to the relevant service regulations, be collected by stoppage of all or part of the pay and allowances granted to or in respect of such man as a member of the mili-

tary, naval or air forces of Canada. (Amended, P.C. 11240, P.C. 740, P.C. 1836, P.C. 4826.)

29. Every man convicted of a second offence under sections twenty-six or twenty-seven is liable, upon indictment or summary conviction, to imprisonment for a term not exceeding two years, with or without hard labour, or to a fine of not less than fifty dollars and not exceeding five hundred dollars, or to both such imprisonment and such fine. (Amended, P.C. 2821.)

30. Any person who makes a false statement or representation or who does any act or omits to do any act required by these regulations for the purpose of evading military training is guilty of an offence and liable, upon indictment or summary conviction, to imprisonment for a term not exceeding two years, with or without hard labour, or to a fine of not less than fifty dollars and not exceeding two hundred dollars, or to both such imprisonment and such fine. (Amended, P.C. 2821.)

31. Any person who does any act likely to nullify or impede the operation of these regulations and any person who in any manner aids or abets any such person is guilty of an offence and liable upon indictment or summary conviction to imprisonment for a term not exceeding two years, with or without hard labour, or to a fine of not less than fifty dollars and not exceeding two hundred dollars or to both such imprisonment and such fine.

32. Any person who contravenes any of the provisions of these regulations for which contravention no other penalty is provided in these regulations, is guilty of an offence and liable, on summary conviction, to a penalty of not less than twenty-five dollars and not exceeding two hundred dollars, or to imprisonment for a term not exceeding twelve months, with or without hard labour, or to both such fine and such imprisonment.

33. Any person who, by means of any written or printed communication, publication or article, or by any oral communication or by public speech or utterance.

(a) counsels or advises any other person to refuse or omit to comply with any of the provisions of these regulations or any notice or order given or made pursuant thereto, or

(b) wilfully resists or impedes, or attempts wilfully to resist or impede, or persuades or induces or attempts to persuade or induce any person or class of persons to resist or impede the operation or enforcement of these regulations,

is guilty of an offence, and liable upon indictment or summary conviction to imprisonment for a term not exceeding two years, with or without hard labour, or to a fine of not less than fifty dollars and not exceeding five hundred dollars, or to both such imprisonment and such fine.

34. Every person is guilty of an indictable offence and liable to a fine of not less than one hundred dollars and not exceeding five thousand dollars, or to imprisonment for a term not less than six months and not exceeding five years or to both such fine and such imprisonment and in default of payment of such fine to imprisonment



for a further term not exceeding six months who corruptly,

- (a) makes any offer, proposal, gift, loan or promise or gives or offers any compensation or consideration, directly or indirectly, to a member of any Board, an examining or other physician, a member of a medical revision board or an officer or person concerned in the administration of these regulations or having any duties to perform thereunder in connection with any application for a postponement order made or to be made or any medical examination or re-examination with a view to obtaining for himself or any other person a postponement order or being placed in a medical category other than that warranted by his physical condition or that of such other person or obtaining a certificate of physical or medical unfitness for himself or any other person, or

- (b) being a member of any Board, an examining physician, a member of a medical revision board or an officer or person concerned in the administration of these regulations or having any duties to perform thereunder, accepts or agrees to accept or allows to be accepted by any person under his control or for his benefit, directly or indirectly, any such offer, proposal, gift, loan, promise, compensation or consideration.

35. An examining or other physician, a member of a medical revision board or any other physician acting under these regulations who, in furnishing information under these regulations, knowingly makes any inaccurate statement or signs an inaccurate certificate is guilty of an offence and liable upon summary conviction to imprisonment for a term not exceeding twelve months, with or without hard labour, or to a fine of not less than fifty dollars and not exceeding two hundred dollars or to both such imprisonment and such fine.

36. (1) Every person who, prior to or during a period in which he is required by these regulations to undergo military training,

- (a) malingers, or
- (b) with intent thereby to render himself unfit for any such training,
  - (i) wilfully produces in himself any disease or infirmity or aggravates or protracts any disease or infirmity which he may have, or
  - (ii) wilfully maims or injures himself or causes himself to be maimed or injured by any other person,

is guilty of an offence and liable upon summary conviction to imprisonment for a term not exceeding twelve months with or without hard labour or to a fine of not less than fifty dollars and not exceeding five hundred dollars or to both such imprisonment and such fine.

(2) Every person who wilfully maims or injures any person, whether at the instance of such other person or not, prior to or during a period in which such other person is required by

these regulations to undergo military training with intent thereby to render such other person temporarily or permanently unfit for any such training, is guilty of an offence and liable upon summary conviction to imprisonment for a term not exceeding twelve months with or without hard labour or to a fine of not less than fifty dollars and not exceeding five hundred dollars or to both such imprisonment and such fine. (Amended, P.C. 2821).

37. Every person who personates a man who is required by these regulations to submit himself for medical examination or to report for military training and submits himself for medical examination in such man's place, or reports in his place for military training, is guilty of an offence and liable upon summary conviction to imprisonment for a term not exceeding twelve months with or without hard labour, or to a fine of not less than fifty dollars and not exceeding five hundred dollars, or to both such imprisonment and such fine. (Amended, P.C. 2821.)

38. Notwithstanding Part XV of the Criminal Code, a complaint or information in respect of any offence against these regulations may be heard, tried or determined by any Police or Stipendiary Magistrate or any Justice or Justices of the Peace if the accused is found or apprehended or is in custody within his or their territorial jurisdiction, although the matter of the complaint or information did not arise within his or their territorial jurisdiction.

39. In any prosecution under these regulations by way of information or complaint under the provisions of Part XV of the Criminal Code, the complaint shall be made or the information laid within three years from the day when the matter of the information or complaint arose.

## PART II

40-43. [These sections provide that men who are not fit for military training and to whom no postponement order has been granted may be required to report for training and special duty with the Royal Canadian Mounted Police.]

## PART III

44, 45. [These sections provide that all proceedings taken and appointments made under the National War Services Regulations, 1940 (Recruits) will be continued under these regulations, as far as is consistently possible.]

46. Notwithstanding the definition of "person employed in agriculture" in section two, no person ceases to be a person employed in agriculture by reason only of being employed or occupied seasonally in a primary industry between the first day of December, nineteen hundred and forty-two and the first day of July, nineteen hundred and forty-three. (P.C. 455)

47, 48. [See p. 81, footnote, left column.]

## SCHEDULES

[Schedule "A" sets out the form of a statutory declaration to be made by aliens who wish to claim exemption from the regulations under sec. 3 (2) (j). The alien states that he makes the declaration with full knowledge that he is "thereby deprived forever of all rights and privileges

to be naturalized in Canada as a British subject" and that he becomes "liable to deportation from Canada whenever such deportation may be practicable."

[Schedule "B" lists the thirteen Administrative Divisions referred to in sec. 4, showing the electoral districts of which each Division is composed, the headquarters of the Division and the address of the Divisional Registrar.

[Schedule "C", which was added by P.C. 11240, sets out the form to be completed by men required to report under secs. 6A, 47 and 48.]

### **Transfer of Administration of Military Call-up**

P.C. 8800, Sept. 26, 1942.—[In order that the administration of the entire manpower program might be co-ordinated, it was provided by this Order-in-Council that effective Dec. 1, 1942, the administration of the National War Services Regulations, 1940 (Recruits), which have now been replaced by the National Selective Service Mobilization Regulations, would be transferred to the Minister of Labour, and that the control of the Director of Mobilization, the Registrars of the Administrative Division and their staffs, records, premises and equipment would be transferred to the Department of Labour.]

### **Release of Key Men who are Drafted**

P.C. 1910, Mar. 18, 1941, as amended.—[Establishes the Reserve Army (Special) Regulations 1941 under the National Resources Mobilization and War Measures Acts. Sec. 23 of these Regulations, which was recast by an Order-in-Council of March 12, 1942 (P.C. 1916), provides that any man who has been called out for training under the National War Services Regulations 1940 (Recruits)—now the National Selective Service Mobilization Regulations—may apply for leave of absence without pay within three months after commencing training, and may be granted leave on the same grounds as would have entitled him in the first place to a postponement order under the Mobilization Regulations. The man desiring leave will apply to his Officer Commanding who will transmit the application with his recommendation to the District Officer Commanding. The latter will in turn forward it, with any recommendation or representation he may see fit to make, to the appropriate Mobilization Board. The Board will investigate the case and make a recommendation to the D.O.C. who will grant leave for the period recommended by the Board. If, however, the exigencies of the military situation require that leave be curtailed or refused, the Board's recommendation will be referred to National Defence Headquarters for final decision. Mobilization Boards may also investigate similar applications made by active personnel of the Canadian Army if the applications are specially authorized by the Adjutant-General for reference to the Boards.]

### **Release of Key Men Who Enlist**

Canadian Army Routine Orders No. 1935, May 6, 1942, amended by R.O. 2999, Mar. 20, 1943, and R.O. 3148, Apr. 28, 1943.—[These Orders deal with leave to key men on enlistment, leave to soldiers already serving for work in war industry and compassionate and other leave. As far as the first two subjects are concerned, they

replace Instructions to District Officers Recruiting of November, 1941.

[When an applicant presents himself for enlistment and it appears that he is a tradesman, he will be examined by the recruiting officer as to his present employment to determine if he is a key man in a war industry. If it appears that he is, he will be enlisted, medically examined, granted leave of absence and directed to continue in his civil employment until he receives further notice. The man's employer will then be given an opportunity to object to the withdrawal of the man from industry, and if he does so, the District Recruiting Officer will discuss the matter with him. If agreement is reached between the man, the employer and the District Recruiting Officer, the latter may, with the approval of the District Officer Commanding, grant the man an extension of leave of absence in accordance with the agreement. If no agreement is reached, the matter will be referred to the appropriate Mobilization Board established under the National Selective Service Mobilization Regulations (p. 81). The Board may, if it seems fit, advise the man to accept leave, and if the man agrees the District Recruiting Officer will grant him an extension of leave for such period as the Board indicates. Leave may be cancelled at any time, but eight days' notice must be given to both the man and the employer and either of them may again have the case referred to the Mobilization Board. Leave will be granted without pay and allowances and no uniform or equipment will be issued to the man until he has reported for service. A "key man" is any man employed in a war industry whose employment, in the opinion of the Mobilization Board, may not be interrupted without causing serious loss of effectiveness to his employer's work, and a "war industry" is any employer or organization which the Board considers to be essential to the successful prosecution of the war.

[If an employer wishes the return to temporary civil employment of a soldier who is already serving in the active army, he may apply to the soldier's officer commanding. The application must give complete information as to the man's employment before enlistment and the proposed future employment. It must show what efforts the employer has made to train other men to do the work, verify that no other suitable man can be obtained and state the length of time the soldier will be required. Only applications regarding men considered craftsmen and not apprentices will be entertained.

[The application will be considered by a Mobilization Board, together with any recommendations the District Officer Commanding may see fit to make. If the Board recommends that leave be granted, the District Officer Commanding may grant it, but if he considers that, in spite of the Board's recommendation it should not be granted, the matter will be referred to National Defence Headquarters for final decision. A soldier will be granted leave only in the capacity and with the employer named in the application. He will be subject to recall to military duties on 48 hours' notice.

[All leave granted will be without pay and allowances, and during his leave the soldier will not be eligible to receive at the expense of the



Government medical or dental treatment to which he would be entitled as a serving soldier.]

### Public Service and Certain Essential Services

P.C. 2514, Sept. 3, 1939.—[Many persons employed in the Public Service of Canada were called into active service by virtue of their membership in certain units of the armed forces which had been placed on active service, or had been called on service by the Minister of National Defence. Since it was necessary in many cases for the Government Departments to retain

the services of the persons affected, the present Order-in-Council provided that their services would be retained for as long as the head of the department concerned deemed necessary.]

P.C. 2525, Sept. 5, 1939.—[Provided that if the Minister of Transport considered it necessary, the services of the employees of the following essential services would be retained: Canadian Broadcasting Corporation, National Harbours Board, Canadian National Steamships (West Indies), Trans-Canada Air Lines, and all railway and telegraph companies operating in Canada.]

### Registration

The first registration in Canada, as in most countries, was general in scope: it was conducted under the National Registration Regulations, 1940, and applied to every person 16 years of age and over. The information obtained has been used extensively for the military call-up but its value for the Selective Service Program generally is limited since at the time it was undertaken the problems connected with such a program were at best only vaguely comprehended.

Further steps had to be taken, therefore. An Order-in-Council of March, 1942, directed the Minister of Labour to establish a manpower inventory and authorized him to require any person or class of persons to register. This was followed in May by an Order-in-Council which required employers employing one or more persons in insurable employment to register all their workers with the Unemployment Insurance Commission. Sec. 30 (g) of the National Selective Service Regulations of August, 1942, authorized the Director of Selective Service, subject to the approval of the Minister, to require employers to keep records and furnish information about their workers.

These provisions have now been consolidated in the National Selective Service Civilian Regulations which repealed the above three Orders-in-Council. Sec. 101(c) of these Regulations authorizes the Minister of Labour to "make such surveys of the manpower resources and needs of Canada as he deems necessary," while sec. 505(e) permits him to require any person or class of persons to "complete and return to him such returns of information as he may specify and complete such forms and give such information in such manner as he may specify." One order relating to graduate nurses has been issued under sec. 505(e) (p. 67 fn.).

The Selective Service Civilian Regulations provide that all orders made under repealed Orders-in-Council will continue in effect. Two orders were made under the Order-in-Council relating to the manpower inventory, requiring the registration of unemployed men and of women between the ages of 20 and 24, and there is also an order under sec. 30(g) of the Selective Service Regulations which requires all employers in Canada to furnish specified information about their workers (p. 69 fn.).

The National Registration Regulations also continue in force. They were originally administered by the Minister of National War Services but in March, 1942, they were placed under the Minister of Labour so that the information obtained from them could be co-ordinated with other information relating to manpower.

### National Registration Regulations

P.C. 3156, July 12, 1940, amended by P.C. 3603, Aug. 1, 1940, P.C. 3681, Aug. 5, 1940, P.C. 4079, Aug. 21, 1940, P.C. 5792, Oct. 18, 1940, P.C. 852, Feb. 5, 1941, and P.C. 6045, July 14, 1942.—[These Regulations which were formerly administered by the Minister of National War Services are now under the Minister of Labour. They were passed under the National Resources Mobilization and War Measures Acts. They provided for the registration, during a specified period in 1940, of all residents of Canada who were 16 years of age or over, with the exception of cloistered nuns, members of the armed forces

on active service and inmates of institutions. All persons not registered in the original registration must register within 30 days after reaching the age of 16, ceasing to be in an exempted class or returning to Canada after absence. A central registry is maintained by the Department of Labour in Ottawa.

[All persons who change their address and women who marry must notify the Chief Registrar of the fact through a post-office. Men between the ages of 21 and 45 inclusive who on July 15, 1940, were married or widowers with children, must notify the Chief Registrar within 14 days if they cease to be married or widowers with children.

[Every registrant is provided with a registration certificate which he must carry with him and produce whenever required by a peace officer, police officer or other person designated for the purpose. Every employer must require his workers to produce their registration certificates and must report those who have no certificates. Registrants who become members of the armed forces except reserve units must deliver up their certificates. Registrants who lose their certificates will be issued with new ones upon filing a sworn statement with a postmaster.]

#### **Transfer of Administration of National Registration**

P.C. 2253, Mar. 21, 1942.—[The purpose of this Order, which was passed under the Public

Service Re-arrangement and Transfer of Duties Act, was to facilitate the co-ordination of all manpower statistics. The duties and powers of the Minister of National War Services in regard to the national registration were transferred to the Minister of Labour and the records and staff of the National Registration Division of the Department of National War Services were transferred to the Department of Labour. It was further provided that any Government Department or person who had information or power to obtain information useful to the Minister of Labour for administering manpower policy, must produce it on his request. The National Registration Regulations were amended on July 14, 1942 (P.C. 6045) to conform to the provisions of this Order-in-Council.]

### **VII—TRAINING**

Since more than two years before the outbreak of war a Dominion-Provincial Youth Training Program has been carried on under agreements whereby the Dominion defrays half the expenditures incurred for approved projects submitted by the provinces. Out of it a War Emergency Training Program has developed under which workers are trained for war industries and the armed forces and returned soldiers receive rehabilitation training. The Youth Training Program has been overshadowed by the wartime scheme but it has continued in operation and advantage has been taken of it to provide assistance to university students who are training for professions in which there is a particular shortage of personnel at the present time.

In addition to the measures contained in this section, there are certain others relating to training: the Director of Merchant Seamen has undertaken a training program for seamen (p. 98), training is provided for personnel managers (p. 13), and the requirement that contractors will train new workers as far as possible is one of the standard provisions of Government contracts for shipbuilding (p. 37).

#### **War Emergency Training**

After the outbreak of war the Youth Training Program, which since the middle of 1939 had been carried on under the Youth Training Act, was revised, with greater emphasis being placed on the training of air mechanics and skilled workers for industry. This war training rapidly increased in importance and in the summer of 1940 it was expanded, with the consent of the provinces, into a War Emergency Training Program.

The Youth Training Act was not entirely satisfactory for the war program since it placed certain restrictions on the age and circumstances of trainees and limited the Dominion's contributions to 50 per cent of the total. An Order-in-Council was therefore passed in September, 1940, eliminating these restrictions and under an Order-in-Council of June, 1941, the training of R.C.A.F. and other aircraft mechanics which was already under way was co-ordinated with the rest of the wartime program. Still another Order (December, 1941) authorized the Minister of Labour to provide training to fit persons discharged from the armed forces for civil employment.

These Orders-in-Council automatically lapsed on March 31, 1942, but authority was granted for the continuance of the program by eight Orders-in-Council under the War Measures Act which were passed on May 5, 1942. Each order applies to an individual province and all the provinces are covered except Prince Edward Island.

To every Order-in-Council there is attached an agreement between the Dominion and the province concerned, and all war training in the province is now covered by this agreement. There are five schedules attached. Schedules "X" and "Y" relate to the payment of expenses and Schedules "G", "K" and "L" cover the training of (a) aircraft mechanics for the R.C.A.F., (b) skilled and semi-skilled workers for war industries, agriculture and the armed forces, and (c) persons discharged from the armed forces. The training of discharged persons is part of a general rehabilitation program and persons undergoing it are provided with grants under the Post-Discharge Re-establishment Order (p. 106).



Trainees receive weekly subsistence allowances the amount of which varies with their domestic circumstances and the type of training they receive. Workmen's compensation is payable under Orders-in-Council which extend the provisions of the Government Employees Compensation Act to trainees (p. 43).

A special training plan for job instructors was authorized on April 30, 1942. The scope of the plan was extended in October, 1942.

#### Authorization of Program

P.C. 3644-3651, May 4, 1942\*, amended P.C. 3868, May 10, 1943.—[Minute of the Committee of the Privy Council, approved.] The Committee of the Privy Council, on the recommendation of the Minister of Labour advise that the Dominion Minister of Labour be authorized, on behalf of the Dominion, to enter into an agreement with the Province of ..... pursuant to the provisions of the War Measures Act, for the continuation of the War Emergency Training Program, in accordance with the draft Memorandum of Agreement attached hereto, expenditures in connection with the said agreement to be paid out of funds allotted to the Department of Labour from War Appropriations.

#### MEMORANDUM OF AGREEMENT

[The agreement is between the Dominion Minister of Labour and the Province concerned, and is effective from April 1, 1942, until March 31, 1945, unless terminated by either party on 90 days' notice. The Dominion agrees to pay all costs, up to a specified maximum and excluding the costs listed in Schedule "X" below, incurred by the province

in the training of persons for work in industries engaged in war production as tradesmen for His Majesty's Active Armed Forces and in the training or re-training of persons discharged from His Majesty's Active Armed Forces during the state of war now existing, to fit such persons for gainful employment.

The training must be of the nature outlined in schedules approved by the Dominion Minister and must be given in classes conducted in technical schools, universities, industrial establishments or other training centres. The province must give publicity to the opportunities for training and maintain offices throughout the province for the filing of applications.

[The trainees are selected by the province. They must be British subjects or nationals of other countries approved by the parties to the agreement. They must also be at least 16 years of age, but, in the case of secondary school pupils who are being trained for farm work during the vacation period, the minimum age is 14. There must be no racial, religious or political discrimination.

[Provincial officials and directors of schools must maintain close contact with local industries engaged in war contract work so that the needs of industry may be met with regard to the types of classes, methods of instruction and number to be trained. Where an employer sponsors a class, he will have first call on the persons trained in that class. Existing placement facilities will be used and supplemented where necessary. A Regional Director is appointed by the Dominion in each province to co-ordinate the training in

that province. The province will keep full records of expenditures and commitments and shall furnish the Dominion with all necessary information when required.]

#### Schedule "X"

[The following expenses are not defrayed by the Dominion: cost of lands and buildings, rent or depreciation of buildings owned by the province (except those specially constructed for training with the approval of the Dominion), cost of alterations or repairs exceeding \$50 unless approved, cost of damage or loss of property, cost or rent of office equipment and supplies, cost of compensation for injuries to persons except where the persons are covered by the Government Employees Compensation Act (p. 43), taxes, licence fees and permits, legal, advisory and consulting fees or salaries, and administrative costs except those listed in Schedule "Y".]

#### Schedule "Y"

[The following costs are specifically stated to be the responsibility of the Dominion: salaries of teachers and supervisors, weekly subsistence allowances of trainees, travelling expenses of officers and trainees, cost of text books, tools, etc., and, except in plant schools, of machinery and equipment, cost of publicity and advertising, cost of workmen's compensation under the Government Employees Compensation Act (p. 43), cost of recreational and physical training facilities and cost of first aid facilities. Certain administrative costs, which vary from province to province, are also covered.

[The subsistence allowances granted to trainees are as follows: in pre-enlistment classes for the armed forces, \$15 per week for the head of a family and \$10 or \$7 for other persons depending on whether or not they live away from home; in full-time industrial classes including plant schools, \$13 for the head of a family, \$7-\$9 or \$7-\$8 for other persons, and not more than \$7 for married women living at home.]

#### Schedule "G": Aircraft Mechanics

[Training is given for the trades or occupations specified by R.C.A.F. Headquarters and conforms to the syllabus presented by the R.C.A.F. Selection of trainees is made by the R.C.A.F. from fully enlisted personnel, and trainees will be admitted to each school at such times and in such numbers as may be determined after consultation between R.C.A.F. Headquarters and the Dominion Supervisor of Training. No allowances or travelling expenses may be paid from this schedule to such trainees.

\* Order-in-Council P.C. 4271, May 21, 1942, authorizes the Minister of Labour to approve any amendments to this schedule which may be agreed upon by him and the province concerned. It was found impracticable to submit recommendations on details of this nature to the Governor-in-Council.

\* Eight Orders-in-Council which are identical except for the name of the province.

The R.C.A.F. appoints inspecting, examining or liaison officers to ensure adequate training in each school, but R.C.A.F. personnel have no authority to interfere with the internal administration of the school. R.C.A.F. Headquarters designates a parent unit which is responsible for pay, medical attention, provision of uniforms and other similar matters. The head of the school is responsible for discipline on the school premises but he may call in the parent unit if he considers it advisable. As each group of trainees completes training, the R.C.A.F. is responsible for organizing trade tests.]

*Schedule "K": War Industries, Agriculture and the Armed Forces other than the R.C.A.F.*

[In the selection of trainees for pre-enlistment industrial classes preference is given to (a) veterans of this and the last war, (b) men over 40 and men rejected for active service, and (c) women and other men over 16. Trainees for the armed forces are selected by the appropriate officers in the case of enlisted men, and in the case of pre-enlistment training, in accordance with the requirements of the branch of the forces for which they are to be trained. The length of the course is normally about three months, but varies according to the requirements of the industry or branch of the armed forces for which it is being given. Each trainee who satisfactorily completes a course of eight weeks or more is given a certificate and others are given a statement signed by the supervisor.

[At the request of employers engaged in war production special part-time classes may be held for groups of their workers, and part-time classes may also be held for persons employed in non-essential occupations to train them for employment in war industry. No allowance is paid by the Dominion to trainees in part-time classes but the Dominion will pay the cost of instructors and classroom materials and supplies. Assistance may also be given to employers wishing to carry on plant schools on their own premises, provided such schools have first been approved by the Supervisor of Training. In such cases the employer must provide accommodation, machinery, etc., and the Dominion will pay the salaries of instructors and the cost of any supplementary part-time instruction.]

*Schedule "L": Persons Discharged from Armed Forces*

[The training provided is designed to fit discharged persons for gainful employment. Dis-

charged persons are eligible for training if they were resident in Canada at the time of enlistment or if the Minister of Pensions and National Health has authority to grant them training. The Department of Pensions and National Health is responsible for selecting trainees. The head of the school has the right to dismiss trainees for misconduct, but in cases of unsuitability or lack of progress he must consult the local representative of the Department of Pensions and National Health before taking action. Allowances are in most cases paid under the Post-Discharge Re-establishment Order (pp. 106).

[The length of the course will be such as may reasonably be expected to fit the trainee for employment but will not normally be more than six months. Training may be given in any class conducted under any other schedule, in any class normally carried on by a provincial or municipal school, in special classes, in certified private trade schools or in approved plant schools. Representatives of the Department of Pensions and National Health have the right to inspect classes attended by their trainees. The primary responsibility for finding employment for trainees will rest with the Department of Pensions and National Health and the Employment Service of the Unemployment Insurance Commission.

[Discharged persons are also eligible for training under Schedule "K".]

**Job Instructor Training**

P.C. 31/3546, Apr. 30, 1942.—[Was passed to meet the serious need which existed in Canadian industry for the training of supervisors. Use was made of a plan introduced into industry in the United States which was made available to the Training Branch of the Department of Labour and of an American expert whose services were loaned to train key men in Canada. These key men (Institute Conductors) have trained men from Canadian industries as trainers in Institutes set up in the main industrial centres and the trainers in turn have trained men in their own plants as Job Instructors. The Department of Labour was authorized to use any reasonable means at its disposal to secure Institute Conductors at a per diem fee of not more than \$12.]

P.C. 22/9776, Oct. 28, 1942.—[Authorized the development of further phases of supervision training. The allotment to the Department of Labour for job instructor training was increased and the Department was authorized to appoint Institute Conductors for a period not exceeding six months.]

**Youth Training and Student Aid**

The Youth Training Act under which the Dominion's participation in the Youth Training Program was formerly authorized, lapsed on March 31, 1942, but the Dominion continues to take part in the program under the Vocational Training Co-ordination Act, 1942. The immediate authorization is an Order-in-Council of August 14, 1942, which approves a draft agreement of the usual form to be entered into with each province. The projects vary from province to province but cover such things as agricultural and rural training, women's courses, occupational and apprenticeship training, courses in citizenship and physical education. More than 40 per cent of the total funds available, however, are devoted to assisting students, chiefly in medicine, dentistry, engineering and science where trained men are particularly needed for the armed forces and war industries.



### Youth Training

P.C. 7193, Aug. 14, 1942.—[Authorized the Minister of Labour, under the Vocational Training Co-ordination Act, to enter into agreements with each of the provinces pursuant to the provisions of that Act for the continuance of the Youth Training Program in accordance with an attached draft agreement.

[The draft agreement provides that the Dominion will pay the province concerned 50 per cent of the cost incurred except certain administrative costs listed in a schedule which is similar to Schedule "X" attached to the War Emergency Training agreements (p. 19). The province submits projects which are described in detail in the schedules to the agreement. The province selects the trainees, who must be between 16 and 30 years of age unless otherwise provided in the schedule.

[In eight of the provinces there are schedules regarding student aid. Such aid, which is by way of loan, grant or both according to the scheme submitted by the individual province, is graded according to the need of the student, with a specified maximum. The greatest part of the funds available is for medical, dental, engineering and science students. For this group the maximum assistance is \$300 per year and all who receive

assistance must sign an agreement making their services available on graduation wherever needed. Assistance is also available for students in normal schools who can give reasonable evidence that they intend to enter the teaching profession, and in some provinces, it is available for other classes of students except theological students. In all cases, the students, except those in normal schools, must be registered in a full-time course leading to a degree in a recognized university.]

### Special Provisions Regarding Student Aid

P.C. 27/4430, May 27, 1942, amended by P.C. 19/6073, July 14, 1942.—[The universities agreed to accelerate their courses in medicine, dentistry, engineering and general science, and under this Order-in-Council the Dominion defrays the increased costs they incur in doing so. One province refused to include student aid in its Youth Training Program, contending that it was purely a Dominion responsibility, and the Dominion is therefore also authorized to assist the students of this province by way of loans. It was later found that for various reasons some other students were also ineligible for assistance, and the amendment of July 14 was passed to permit such students to be assisted by the Dominion.]

## VII—MERCHANT SEAMEN

Before the war there was a substantial volume of Dominion legislation relating to seamen, which was embodied chiefly in the Canada Shipping Act, 1934, and the regulations under it. The war has given rise to a large number of new problems which have been dealt with by special Orders-in-Council under the War Measures Act.

Disciplinary measures have been introduced to prevent any delay in the sailing of ships. Manning pools have been established to regularize employment and welfare facilities have been expanded. Provisions for training have also been extended. Special wartime safety measures have been passed, pensions and compensation are provided to seamen who suffer personal injury or loss of remuneration or property, steps have been taken to train disabled seamen for other jobs, and special war bonuses are paid to seamen on vessels operating in dangerous areas.

### Interdepartmental Committee

An interdepartmental Committee on matters relating to Merchant Seamen was established informally not long after the outbreak of war, and several of the Orders-in-Council appearing below were drafted as a result of its recommendations. It was decided that since the Committee usually dealt with problems which concerned matters of principle, it should be more than an informal committee. As a result, it was formally constituted by an Order-in-Council of June 15, 1942 (P.C. 4970) under which it has the duty of studying and reporting on questions concerning the control and discipline of merchant seamen ashore in Canada and on board ships and any other related matters which might be referred to it. It consists of the Director of the Trade Division, Department of National Defence, Naval Services, officials of the Immigration Branch of the Department of Mines and Resources and of the Judge Advocate General's Branch of the Department of National Defence, the Supervisor of Nautical Services and the Director of Merchant Seamen, Department of Transport, one official each from the Departments of Justice, External Affairs, and Pensions and National Health, and an officer of the Royal Canadian Mounted Police. It has power to appoint sub-committees to deal with particular questions.

### Discipline

Regulations 45 and 46 of the Defence of Canada Regulations make special provisions regarding seamen who desert from their ships and an Order-in-Council of September 12, 1940, governs alien seamen who desert in Canada or otherwise interfere with the proper operation of their ships. The chief measure relating to discipline, however, is the Merchant Seamen Order, 1941, which applies to seamen in any Canadian port on ships of any registry except that of the United States or of any enemy power, and also to seamen in manning pools. It authorizes the establishment of committees of investigation and boards of inquiry, the former of which make preliminary investigations into the conduct of seamen who are likely to cause delay in the departure of their ships, with the latter making formal inquiries and having power to impose penalties. There is no appeal from a direction of a committee or an order or decision of a board. Provision is also made for discipline in manning pools and training centres (p. 99).

### Defence of Canada Regulations

Consolidation, 1942, Reg. 45.—Any person lawfully engaged to serve on board any ship belonging to, or chartered or requisitioned by, or on behalf of His Majesty, who in Canada deserts from his ship or absents himself therefrom without leave may, notwithstanding anything contained in the Canada Shipping Act, 1934, be conveyed on board his ship by, or under the direction of, any one or more of the following persons, that is to say, the master of the ship, the mate of the ship, the person having management of the ship, any constable, or any commissioned officer in His Majesty's forces.

46. No seamen lawfully engaged to serve on board a ship belonging to, or chartered, or requisitioned by or on behalf of His Majesty, shall be absent from his ship, whether upon duty or otherwise, without a written pass which shall state the period of his authorized absence, duly signed by the master, mate, purser or first engineer of his ship, and any such seamen so being absent without such a pass, or being found without the same in his possession, shall be guilty of an offence against this Regulation and shall moreover be subject to the exercise of the authority conferred by the next preceding Regulation, as if absent from his ship without leave.

46A. No person shall conceal, receive, aid or assist any seaman whom he knows or has reasonable cause to believe has deserted or is about to desert his ship.

### Alien Seamen

P.C. 4751, Sept. 12, 1940.—[Provides that any alien seaman, including a master or officer, who in Canada deserts from his ship, refuses to sail on it or otherwise interferes with its proper operation, may by order be detained at an Immigration Station for the duration of the war or until provision may be made for his deportation or until he is willing to serve on a ship sailing from Canada. While detained he may be employed at such work as the Minister of Mines and Resources may determine. An order for detention is issued by an Immigration Board of Inquiry or an officer acting

as such. Section 22 of the Merchant Seamen Order provides that a seaman so detained may have his case referred to a Board of Inquiry established under that Order.]

### Merchant Seamen Order

P.C. 11397, Dec. 19, 1942.—Whereas by Order-in-Council P.C. 2385, dated 4th April, 1941, an Order Affecting Discipline of Merchant Seamen was made, to be cited as "The Merchant Seamen Order";

And whereas the purpose of the said Order is to prevent delay in the departure of merchant ships from Canadian ports during the present emergency, and to provide that if delay occurs or is anticipated as being likely to occur by reason of the activities of a member or members of the crew of any such ship, there can be taken in respect of such member or members of any such crew such action as will prevent delay in the departure of any ship, and which will serve as a deterrent to members of the crew of any other such ship who might contemplate like activity;

And whereas for the purpose of carrying out the spirit and intent of the said Order and to ensure the efficient administration thereof, it has been found necessary to amend the said Order from time to time; such amendments being made by Orders-in-Council P.C. 5088, dated 10th July, 1941; P.C. 81/6954, dated 6th September, 1941; P.C. 7891, dated 11th October, 1941, and P.C. 6894 dated 5th August, 1942;

And whereas the Minister of National Defence for Naval Services reports that the said Order as amended, as it has been administered, has prevented delays in the departure of merchant ships from Canadian ports by acting as a deterrent to subversive activities and conduct likely to cause delay in the departure of such ship on the part of merchant seamen, but due to changing conditions resulting from increased enemy activity and other causes, and because of the experience gained in the administration of the said Order, it is now found that further amendments thereto are necessary; and

That in view of the numerous amendments which have from time to time been made and the further amendments which are now required, it is considered desirable that the said Order and the amendments thereto be cancelled, and that there be substituted therefor an Order in the terms of the draft hereto attached and marked Appendix "A".

Therefore, His Excellency the Governor General in Council, on the recommendation of the Minister of National Defence for Naval Services, and under and by virtue of the War Measures Act, Chapter 206, Revised Statutes of Canada, 1927, and notwithstanding any other Statute, Law or Regulation, is pleased to order as follows,—

The Order Affecting Discipline of Merchant Seamen made by Order-in-Council P.C. 2385, dated 4th April, 1941, and the amendments thereto as made by Orders-in-Council P.C. 5088, dated 10th July, 1941; P.C. 81/6954, dated 6th September, 1941; P.C. 7891, dated 11th October, 1941, and P.C. 6894 dated 5th August, 1942, are hereby revoked and the Order hereto annexed as Appendix "A" is hereby made and established



in substitution thereof, effective as of and from such date as may be fixed and designated by the Minister of National Defence for Naval Services.\*

1. This Order may be cited as The Merchant Seamen Order 1941.

2. In this Order unless the context otherwise requires,

- (a) "Board" means a Board of Inquiry established pursuant to the provisions of this Order;
- (b) "Committee" means a Committee of Investigation established pursuant to the provisions of this Order;
- (c) "Seaman" means and includes every person employed or engaged to serve in any capacity on board a ship, persons carried on the strength of a manning pool, directors or other persons in charge thereof and members of the staff thereof.
- (d) "Persons carried on the strength of a manning pool" include—
  - (i) any person who has agreed in writing or verbally to join a manning pool,
  - (ii) any person who has accepted accommodation in a manning pool,
  - (iii) any person who has been ordered released to a manning pool under this Order;

and such persons shall be deemed to be carried on the strength of a manning pool from the time of the making of such agreement, of the acceptance of such accommodation, or of such release, until discharged from the strength of the manning pool by the Director of Merchant Seamen or by a regional director of Merchant Seamen or until such person has signed articles of agreement for service on board a ship, or if under articles until such person has returned to his ship.

- (e) "Ship" means and includes a merchant ship registered in or belonging to any country or power except the following:
  - (i) Ships registered in or belonging to the United States of America.
  - (ii) Ships registered in or belonging to any enemy country or power.
  - (iii) Ships registered in or belonging to any other country or power that may be designated from time to time by the Governor in Council;

and such merchant ships, other than those which are excepted as aforesaid, shall be subject to the provisions of this Order.

- (f) "Manning Pool" means and includes all seamen manning pools in Canada established under and by virtue of Order-in-Council dated the 19th day of May, 1941, P.C. 14/3550, and all manning pools established under The Manning Pools (Alien Merchant Seamen) Order 1942, Order-in-Council P.C. 4924 dated the 15th day of June, 1942.

#### *Committee of Investigation*

3. (1) The Minister of Justice may nominate officers of the Naval Forces of Canada as representing the Department of National Defence for Naval Services and representatives from the Royal Canadian Mounted Police to act on committees of investigation.

(2) Such committee shall consist of a representative of each of the said departments nominated as aforesaid by the Minister of Justice.

(3) A representative of the Department of National Defence for Naval Services nominated as aforesaid shall convene and be the chairman of a committee nominated as aforesaid and in all questions before the committee, his decision shall prevail.

4. A committee shall have authority to conduct an investigation into the conduct of any seaman, whether on board the ship wherein he is engaged to serve or elsewhere.

5. In any such investigation a committee may take evidence by way of affidavit or oral testimony, of which a transcript shall be made. For such purpose the committee or either member shall have authority to take affidavits or administer oaths and in cases where a witness is unwilling to be sworn because of conscientious scruples or on the ground of his religious belief or on the ground that the taking of an oath would have no binding effect on his conscience such person may in lieu of taking an oath make an affirmation and declaration which shall be of the same force and effect as if such person had taken an oath in the usual form.

6. A committee may in any case wherein an investigation has been conducted, direct in writing that any seaman be temporarily detained, if it is satisfied that there are grounds for believing that such seaman—

- (a) has been responsible or is likely to be responsible for causing delay in the departure of a ship;
- (b) has deserted or is absent without leave in Canada from his ship;
- (c) has refused or is likely to refuse to sail on a ship;
- (d) has refused or is likely to refuse to perform his regular duties on board a ship;
- (e) has induced or attempted to induce, or is likely to induce or attempt to induce other seamen to interfere in any way with the proper operation of the ship in which they are employed;
- (f) has carried on or is likely to carry on any subversive activities, whether on board his ship or otherwise.

7. A member of the Royal Canadian Mounted Police or other police force, or of His Majesty's Naval, Military or Air Forces or an immigration officer, acting within the scope of his duty as such, shall have power to execute any such direction to detain, including the removal of such seamen from a ship or other place for that purpose, and in so doing, may apprehend a seaman in Canada wherever he may be found.

8. A seaman, whose detention has been directed as aforesaid, shall be detained in an immigration station, gaol, or in any duly authorized

\* By a Minister's Order of April 6, Order-in-Council P.C. 11397 was declared in force from Apr. 15, 1943.

naval, military or air force detention quarters, pending an inquiry into his case as hereinafter provided by a board.

#### *Board of Inquiry*

9. (1) The Minister of Justice may appoint for such ports or places in Canada as he may consider advisable, officers of the Naval Forces of Canada as representing the Department of National Defence for Naval Services, officials of the Department of Transport and the Immigration Branch of the Department of Mines and Resources, to act on boards of inquiry.

(2) A board shall, except as provided in the next succeeding subsection hereof, consist of a representative of each of the Departments appointed as aforesaid by the Minister of Justice.

(3) A representative of the Immigration Branch of the Department of Mines and Resources appointed as aforesaid, shall convene and be the chairman of such a board; provided, however, that if in the opinion of the chairman, the obtaining of a representative from both the Department of National Defence for Naval Services and the Department of Transport would cause undue delay, then the chairman and a representative of one of such other two Departments shall constitute a quorum and be vested with and may exercise all the powers, duties and functions of a board.

(4) In all cases or questions before the board, the decision of the majority shall prevail, and in cases where a quorum only is sitting as a board, the decision of the chairman shall prevail.

(5) An order or decision of a board must be in writing and signed by the chairman or any two members.

(6) A board shall have all the powers and authority of a commissioner appointed under Part I of the Inquiries Act, being Chapter 99 of the Revised Statutes of Canada, 1927.

10. Within ninety-six hours of the time a seaman has been detained, as provided in Section 8 hereof, he shall be brought before a board which shall thereupon conduct an inquiry into his conduct in respect of the matters set forth in Section 12 hereof, or to the like effect, and shall hear the evidence regarding the seaman's conduct including the evidence of the seaman and evidence, if any, on his behalf.

11. (1) Evidence taken by a committee by way of affidavit, or if by oral testimony, a transcript thereof shall be accepted by a board and by all courts in any proceedings relating to any matter to which such evidence is relevant, if the person who gave such evidence is not able to appear in person before the board or court by reason of having sailed or being about to sail from Canada.

(2) A member of a committee shall be a competent witness before a board touching all matters arising out of an investigation conducted by the committee of which he is a member.

12. A board shall have authority to inquire into the conduct of a seaman,

- (a) who is alleged to be responsible or likely to be responsible for causing delay in the departure of a ship;
- (b) who is alleged to have deserted or to be

absent without leave in Canada from a ship;

- (c) who is alleged to have refused, or be likely to refuse, to sail on a ship;
- (d) who is alleged by the master or agent of the ship to have refused or be likely to refuse to perform his regular duties on board a ship;
- (e) who is alleged to have induced or attempted to induce or be likely to induce or attempt to induce other seamen to interfere in any way with the proper operation of the ship in which they are employed.
- (f) who is alleged to have carried on, or be likely to carry on or who is suspected of carrying on, any subversive activities, whether on board his ship or otherwise;
- (g) who has been detained by direction of a committee.

13. A board on its own motion or at the request of the director or person in charge of a manning pool may inquire into the conduct of any seaman carried on the strength of a manning pool,

- (a) who is alleged to be responsible, or likely to be responsible for causing delay in the departure of a ship;
- (b) who deserts, or is absent without leave in Canada from his ship, or the manning pool to which he belongs;
- (c) who is alleged to have refused or be likely to refuse to sail on a ship;
- (d) who having been directed to join a ship, refuses or fails or is likely to refuse or fail to do so;
- (e) who is alleged by the master or agent of a ship to have refused to perform his regular duties on board his ship;
- (f) who is alleged to have induced, or attempted to induce, or be likely to induce or attempt to induce other seamen to interfere in any way with the proper operation of their ship, or a manning pool;
- (g) who is alleged to have carried or be likely to carry on, or who is suspected of carrying on, any subversive activities, whether on board a ship or otherwise.

14. A board may direct a member of the Royal Canadian Mounted Police or other police force, or of His Majesty's Naval, Military or Air Forces, or an immigration officer, acting in the scope of his duty as such, to apprehend anywhere in Canada any seaman whose conduct is the subject of inquiry by said board, and any member of the Royal Canadian Mounted Police or other police force or of His Majesty's Naval, Military or Air Forces, immigration officers, to whom such direction is given shall forthwith apprehend and bring before the board, at such time as the board may direct, the seaman in question. Any such direction may, in addition, require that upon the apprehension of the seaman to whom said direction relates, the said seaman be detained in the same place and in the same manner and subject to the same conditions as if said direction had been issued by a committee as hereinbefore provided in this Order.



15. A board may, after an inquiry, conducted pursuant to Sections 12 or 13 hereof, order in writing that a seaman be,—

- (a) released; or
- (b) released to a ship; or
- (c) released to a manning pool; or
- (d) detained in an immigration station, gaol, or other place of confinement for a period not exceeding three months.

16. A board shall in any case where the detention of a seaman has been ordered under the last preceding section, cause the seaman to be brought before it at or at any time before the expiration of such detention and review his case and the board may, taking into consideration the seaman's conduct, the detention undergone, the seaman's attitude, and such other circumstances as to the board seem proper, order that the seaman be,—

- (a) released; or
- (b) released to a ship; or
- (c) released to a manning pool; or
- (d) detained in an immigration station, gaol, or other place of confinement for a further period not exceeding six months.

17. In the event of a board ordering the detention of a seaman under Section 15 or 16, such seaman may be employed on such labour, and in such place, as the board may direct.

18. Notwithstanding any of the provisions contained in the last three preceding sections, a board may in any case, and at any time, recommend to the Minister of Justice that the seaman be detained under the provisions of Regulation 21 of the Defence of Canada Regulations.

19. At all inquiries, including a review under Paragraph 16 hereof, the seaman whose conduct is the subject of such inquiry, shall be entitled to be present and to be heard.

#### *General Provisions*

20. (1) A board may in any case in which it deems fit, refer the proceedings thereof to the Judge Advocate-General, Department of National Defence, for his opinion on any question which is involved, and pending the receipt of such opinion and the decision of the board in consequence thereof, the board shall have power to direct that the seaman concerned be detained in the manner prescribed by Section 8 of this Order.

(2) A board may in any case and at any time and from time to time adjourn the proceedings to such time and place as may appear to such board fit, and may order that the seaman be meanwhile detained.

(3) A copy of the proceedings of every board, certified by the chairman thereof, shall, as soon as completed, be forwarded to the Judge Advocate-General, Department of National Defence, for registration and custody.

21. Any seaman, while detained under the authority of this Order, shall be deemed to be in legal custody.

22. Notwithstanding the provisions of Order-in-Council, P.C. 4751 of the 12th of September, 1940, respecting alien seamen, an alien seaman detained under that Order may, at his request or at the request of an immigration board of inquiry

or officer acting as such, or immigration inspector in charge, have his case referred to and dealt with by a board as if his conduct were in the first instance being inquired into and dealt with under the authority of this Order.

23. A board may, on the request of a committee, or of its own volition, make an order prohibiting leave from any ship for any period not exceeding 48 hours, and any seaman who is away from his ship at any time during such period without lawful excuse, shall be deemed to be absent without leave.

24. This Order shall be interpreted in accordance with the principles approved by Order-in-Council, P.C. 2685 of the 19th June, 1940, insofar as they are applicable, which principles reaffirm the freedom of employees to organize in trade unions and to negotiate collective agreements with employers, and their rights to protection against such acts of employers as refusal of employment and dismissal because of trade union membership, intimidation to prevent a workman from belonging to a trade union, and conspiracy with other employers to such ends.

25. The provisions of this Order shall be in addition to and not in derogation of the provisions of any other statute, law or regulation, and the exercise of the powers granted hereunder shall be without prejudice to the operation at any time of the provisions of any other such statute, law or regulation, which, without limiting the generality of the foregoing, shall include the Canada Shipping Act, 1934, the Criminal Code, the Immigration Act and Order-in-Council, P.C. 4751 of the 12th September, 1940, respecting alien seamen.

26. (1) This Order shall be administered by the Minister of National Defence for Naval Services, who may issue such directions, and exercise such supervision and control over proceedings hereunder as may be necessary to give effect to the Order, and to carry out the spirit and intent thereof.

(2) The Minister of National Defence for Naval Services may prescribe such forms as, in his opinion, are necessary or desirable to give effect to proceedings under this Order and such forms may be used by committees and boards where applicable, with such alterations, variations, omissions and additions, as the circumstances may require, and such forms shall be valid in law and any alteration, omission or variation in, or addition to, or deviation from, the forms so prescribed by the Minister, shall not, by reason thereof, render invalid any proceedings under this Order.

(3) The omission of any of such forms will not, by reason only of such omission, render any proceeding invalid.

27. There shall be no appeal to any court, tribunal, or person from a direction of a committee or an order or decision of a board, which order or decision shall be final, and no proceedings taken or purported to be taken under this Order shall be deemed to be invalid or open to objection by reason of any irregularity therein, or omissions, or variations from the provisions of this Order, providing that such proceedings come within the spirit and intent of this Order as stated in Order-in-Council, P.C. 2385 dated the 4th day

of April, 1941, and in the Order-in-Council under which this Order is made.

28. All persons heretofor nominated or appointed by the Minister of Justice to committees or boards shall continue in office as though expressly nominated or appointed hereunder.

29. All expenditure incurred in carrying out the provisions of this Order shall be paid by the Department of National Defence for Naval

Services and shall constitute a charge against the monies appropriated by Parliament for the war.

30. Wherever in any statute, law or regulation, reference is made to the Merchant Seamen Order, 1941, as made and established by Order-in-Council dated 4th April, 1941, P.C. 2385, and amendments thereto, such reference shall, unless the contrary appears, be deemed to extend to, mean, and include this Order.

## Manning Pools, Welfare and Training

A general plan for manning, welfare and training was authorized on May 19, 1941. Manning pools have been set up in the main ports, through which seamen are engaged systematically and provision is more easily made for their welfare. The seamen in a manning pool are provided with board and lodging in return for which they must agree to go to sea on any ship to which they may be assigned. Welfare facilities and nautical schools for training merchant seamen have been expanded. The program is under the immediate supervision of a Director of Merchant Seamen who is an officer of the Department of Transport. Rates of pay and allowances for seamen in manning pools were authorized by an Order-in-Council of October 15, 1941.

A special training program, which was drawn up and is administered by the Director of Merchant Seamen, was authorized on November 22, 1941, and additional steps regarding manning and welfare which were necessary because of the sharp increase in the number of seamen arriving from Britain were also authorized on this date. The Manning Pools (Alien Merchant Seamen) Order of June 15, 1942 provided that the manning pools of Allied Governments which it was expected would be established in Canada would be placed under the general supervision of the Director of Merchant Seamen. The Merchant Seamen Discipline Regulations, 1942, provide for discipline in manning pools and training centres.

### General Program

P.C. 14/3550, May 19, 1941.—[Minute of Treasury Board, approved.] The Board had under consideration a memorandum from the Honourable the Minister of Transport reporting:—

That Section 3(d) of the War Measures Act, Chapter 206 Revised Statutes of Canada, 1927, provides that the Governor-in-Council may make such orders and regulations as he may, by reason of the existence of real or apprehended war, deem necessary or advisable for the security, defence, peace, order and welfare of Canada in matters of transportation by land, air or water and the control of the transportation of persons and things;

That the merchant marine, on which our seaborne commerce depends, is, under present conditions, virtually an arm of our fighting services, and the provision of merchant seamen, their training, care and protection is essential to the proper conduct of the war, and vitally necessary to the keeping open of the sea-lanes on which the successful outcome of the present conflict so largely depends;

That the Interdepartmental Sub-Committee on matters affecting merchant seamen has recommended the establishment of manning pools to provide adequate accommodation on shore in Canadian ports for merchant seamen where they would receive board, lodging and pay provided they, in return, agreed, in writing, to go to sea on any ship of their own nationality or on any ship to which they might be assigned, the expense in respect of which accommodation and

services on behalf of other than Canadian merchant seamen to be a charge against their respective governments;

That it was further recommended by the Interdepartmental Sub-Committee that present welfare facilities for the recreation and comfort of merchant seamen in Canadian ports should be extended, and new welfare facilities provided to meet expanding wartime needs;

That the Canadian Shipping Board has concurred in the recommendations made by the said Interdepartmental Sub-Committee, and has further recommended that a special branch of the Department of Transport be established for the recruiting and training of officers and men for the Canadian Merchant Navy in nautical schools, and that the said branch should be set up as early as possible in view of the existing scarcity of trained merchant seamen;

That for the purpose aforesaid it is expedient that an officer, to be known as the Director of Merchant Seamen, be appointed and charged with the administration and operation of the said manning pools and welfare facilities . . .

The Board concur in the above report . . .

The Board recommend that authority be given for:

1. The appointment of an officer to be known as the Director of Merchant Seamen, to be charged with the administration and operation of the said manning pools of merchant seamen and welfare facilities for merchant seamen,\*

\* On June 5, 1941, Arthur Randles of Cunard-White Star Limited was appointed Director of Merchant Seamen.



together with such regional directors and staff as may be required in Ottawa and elsewhere . . .

2. The making, by the Minister of Transport, of such rules and regulations as, in the opinion of the Minister, may be required for the aforementioned purposes.

#### **Pay and Allowances in Manning Pools**

P.C. 83/7994, Oct. 15, 1941.—[Provides that the pay of seamen of ships of the United Kingdom will be calculated on the basis of the minimum rates laid down by the National Maritime Board in Britain, plus war bonus and differential pay, and that the pay of Canadian seamen will be calculated on the basis of the above minimum rates at the Canadian equivalent but not including war bonus or differential pay. The cash advances drawn by all seamen in Canadian pools will be on an equal basis according to the scales recommended from time to time by the United Kingdom authorities. Allotments to dependents in Canada will not exceed the amount standing to the credit of the officer or rating concerned.]

#### **Special Training Program**

P.C. 148/9130, Nov. 22, 1941.—[Authorized the following program which was drawn up by the Director of Merchant Seamen and is supervised by him: (1) the establishment of Training Centres to enable men without sea experience to qualify as ordinary Seamen (deckhands); (2) the establishment of a Marine Engineering School where men may qualify as firemen, stokers, and trimmers; (3) the extension of the facilities of this school to enable seamen experienced in engine rooms to acquire certificates from Fourth Engineer up to Chief Engineer in both marine and diesel engines; (4) the extension of existing Navigation Schools operated by the Dominion Government to enable men with sea experience to qualify for Second Mate's and higher certificates; and (5) arrangements whereby men can be trained as cooks. It is proposed that satisfactory rates of pay will be provided to men attending these courses for the purpose of taking initial training, that compensation for loss of earnings will be provided to those already at sea and that cost of transport to the training centre will be provided.

[This Order-in-Council was stated to be an extension of the provisions of Order-in-Council P.C. 14/3550 and to be necessary because of the difficulty of recruiting sufficient seamen in the United Kingdom to man the ships being constructed in Canada and in the United States.]

#### **Special Manning Provisions**

P.C. 149/9130, Nov. 22, 1941.—[Stated "that in connection with the establishment of seamen's manning pools, as provided for under Order-in-Council P.C. 14/3550 of May 19, 1941, a situation has now arisen whereby the system of manning pools will have to be considerably expanded, inasmuch as it has become necessary to establish additional manning pools in Canada for the housing, welfare and disciplining of substantial numbers of merchant seamen recruited in the United Kingdom and held in such manning pools in Canada whilst awaiting assignment to tonnage, both new or acquired by the United Kingdom Government in Canada and the United States", and that it would simplify ad-

ministration and facilitate co-operation between the British and the Canadian Governments if the latter assumed responsibility for the entire manning scheme in Canada. Provision was therefore made for the conversion of a United Kingdom manning pool at Montreal into a Canadian pool, for the establishment by the Canadian Government of quarters for a constant pool of 400 men at Vancouver and of housing facilities for an additional 1000 men at Montreal, and for the extension of a manning pool which had been established at Halifax under P.C. 14/3550. The cost of buildings was borne by the Canadian Government but the British Government is charged with the cost of operation insofar as its own seamen are concerned. This Order-in-Council was passed at the request of the British Government.]

#### **Manning Facilities for Aliens**

P.C. 4924, June 15, 1942.—[Established the Manning Pools (Alien Merchant Seamen) Order, 1942, which provides for the regulation of manning pools established in Canada by Allied Powers for the accommodation of their seamen during the war. An Allied Government may, with the consent in writing of the Director of Merchant Seamen, establish a manning pool in Canada. The person in charge of the pool may exercise in regard to all persons on the strength of the pool any powers which he is given by the laws of his country, except that he has no jurisdiction in regard to offences under any Dominion or provincial laws and he may not impose penal servitude. In exercising his power he will enjoy the immunities of a competent Canadian Court, and whenever he awards a punishment it will be deemed, unless the contrary is shown, that he has acted with due authority and the proceedings have been regular. The power of a Canadian Court to try any person in the pool will not be affected in any way, but the Court in imposing punishment will take into account any punishment which may already have been imposed by the person in charge of the pool.

The Director of Merchant Seamen exercises general supervision over the pools established under this Order and has all the authority in regard to them which he has in regard to pools established under Order-in-Council P.C. 14/3550. The Merchant Seamen Order applies to these pools and to all persons carried on their strength.]

#### **Discipline in Manning Pools and Training Centres**

P.C. 10727, Nov. 26, 1942.—[Establishes the Merchant Seamen Discipline Regulations, 1942. It has been found that while the majority of the seamen in manning pools and training centres are law-abiding, there are occasional instances of misconduct, drunkenness and disorder, and that it is difficult for the officers in charge to enforce discipline when they lack authority to impose penalties for minor offences. The present regulations therefore set forth fines and other deductions from wages which may be imposed as penalties for certain specified minor offences. The Regional Director of the manning pool or the Commandant of the training school or centre is responsible for the enforcement of the regulations. Whenever a complaint is made or when,

without a complaint being made, he believes that disciplinary action is necessary, he is to investigate the case and impose any penalty which is justified and authorized. A record must be kept of every penalty imposed and a copy of

the record forwarded to the Director of Merchant Seamen on the day on which the penalty is imposed. These regulations do not in any way supersede any existing Dominion, Provincial or municipal law.]

## Safety Measures

Regulations regarding safety appliances, fire-extinguishing equipment, etc., on merchant ships were in effect before the war. They were found, however, to be inadequate to meet the special dangers of wartime and the Minister of Transport was given authority by an Order-in-Council of May 4, 1942 (P.C. 3638) to supplement them. Four sets of Additional Regulations, which are modelled on similar British regulations, have been issued.

Further, the exemption of certain classes of ships from the requirement of being fitted with a radiotelegraph installation has been removed for the duration of the war. On the other hand, load-line regulations have been relaxed both for ocean-going and Great Lakes ships, in order to make available greater cargo space.

### Life-Saving Appliances

Additional Regulations, No. 1, May 26, 1942, amended Mar. 11, 1943.—[These regulations, which are supplementary to regulations made by an Order-in-Council of January 6, 1937 (principal regulations) apply to all ships of Canadian registry which are engaged in foreign or home-trade voyages in "dangerous waters".

[All these ships must carry life-boats of the type and capacity prescribed in the principal regulations, and every set of life-boat davits must be provided with suitable gear for carrying the boat in an outboard position. Each lifeboat must be provided with bilge keels or keel rails so constructed as to enable persons to cling to them should the boat be upset, and must carry, in addition to equipment required by the principal regulations, a variety of equipment for signalling, keeping the boat seaworthy and providing for the basic needs of the passengers. All ships of more than 1600 gross tonnage, except those which are required by the principal regulations to carry radio-equipped motor lifeboats, must carry lifeboat radio apparatus. Tool kits must also be carried in a position readily available to the lifeboats, the number required varying with the number of boats carried.

[All ships must carry emergency life-rafts of sufficient capacity to accommodate all persons on board. The rafts, like the boats, must be provided with a considerable amount of equipment in addition to that required by the principal regulations. Every ship of more than 100 feet in length must carry at least eight life-buoys and other ships must carry at least four. Half these buoys must have self-igniting life-buoy lights and two must have life-lines. Every member of the crew must be equipped with a jack-knife, a life-saving waistcoat which can be worn at all times and a red electric light for use with the life-jacket.

[There must be a ladder at each set of davits and each ship must have a rope net about 10 feet wide and long enough to reach to the light water-line. Emergency flashlights must be carried in convenient places. A suitable system of warning signals must be maintained and regular drills of passengers and crew must be held. The master is responsible for seeing that each member

of the crew understands his duties in case of emergency, and lists of these duties must be posted.]

Additional Regulations, No. 4, Nov. 17, 1942, amended Mar. 11, 1943.—[These regulations were issued in order that Canadian legislation on this subject might be brought, as far as was considered feasible, into line with the terms of a resolution adopted by the Joint Maritime Commission of the International Labour Organization at its meeting in London on June 26 to 30, 1942. All ships to which the No. 1 Regulations apply must carry one or two life-boats in addition to those already required and two of the life-boats must be approved motor life-boats with fuel for a voyage at full power of at least 160 miles. A minimum size is specified for life-boats in all new ships and additional requirements are made for davits and life-lines and for emergency life-rafts. There are also additional requirements regarding the equipment to be carried on life-boats and life-rafts. Ships lacking storage space for all the emergency life-rafts required by the No. 1 Regulations must carry approved buoyant apparatus, the equipment for which is set out. There are also special requirements for oil tankers to protect the crew and the life-saving equipment in case of fire.]

### Fire-Extinguishing Equipment

Additional Regulations, No. 2, July 6, 1942, amended Mar. 11, 1943.—[These Regulations, which are supplementary to regulations made under an Order-in-Council of February 2, 1937 (principal regulations) apply to the ships covered by the No. 1 Regulations. Foreign-going ships which are certified to carry more than 12 passengers must not have their fire-pumps fitted in the same space even when not more than two pumps are required to be carried by the principal regulations. The other ships covered by the regulations must now, like the above ships, have conductors for spraying water on oil without undue disturbance if their boilers are oil-fired. All the ships covered by the regulations must carry a considerable amount of equipment in addition to that required by the principal regulations, *e.g.*, portable emergency power pumps, conductors or conductor fittings for extinguishing incendiary bombs, portable electric drilling



machines (where electric power is available), stirrup pumps, buckets, and metal containers filled with sand. Motorships must be provided in the engine room with receptacles containing at least 10 cubic feet of sand or other suitable dry material and also, if not already required, two approved portable extinguishers constructed to discharge froth. Additional requirements are laid down regarding equipment which must be carried under the principal regulations, such as portable fire-extinguishers, fire-pumps, hose connections, fire buckets and axes, breathing apparatus or smoke helmets, safety lamps, and equipment for smothering gas or steam. Fire drills must be held regularly.]

### **Bilge-Pumping Arrangements, Etc.**

Additional Regulations, No. 3, July 31, 1942, amended Mar. 11, 1943.—[These regulations, which apply to all the ships covered by the No. 1 Regulations, are supplementary to regulations approved by an Order-in-Council of March 10, 1942, and to Regulation XIX of the Construction Regulations annexed to the International Convention for the Safety of Life at Sea, 1929. Special requirements are made regarding bilge and ballast pump arrangements to ensure their efficient operation under war conditions. In new ships or in ships in which new floor plates are required, cast iron may no longer be used for floor plates in the stokehold and engine room. There must be emergency controls operated from the deck for stopping the main engines or any pumps which are likely to discharge into the lifeboats. In ships using fuel oil, arrangements must be made for cutting off the fuel supply to service or storage tanks from outside the space where the tanks are situated. Cast iron fittings must be protected against damage by bomb, mine or torpedo explosion. Special escapes must be provided and all ships must have emergency lighting arrangements which can be brought into instantaneous use. Tramp steamers of 395 feet in length or more which have a fresh water carrying capacity of 5,000 gallons or less must make arrangements to increase the available supply.]

### **Radiotelegraph Equipment**

P.C. 1422, Feb. 23, 1942.—[Under the Radio Regulations for Ship Stations, Part 1, of November 29, 1938, the following ships, as well as some others, are exempt from the requirement of being fitted with a radiotelegraph installation: cargo ships which are of less than 1,600 tons gross tonnage, or though of up to 5,000 tons, do not travel more than 150 miles from the nearest land, or ships which are not normally engaged on international voyages but which in exceptional circumstances are required to undertake a single voyage of that kind. This exemption has been suspended, effective May 15, 1942, for the duration of the war.]

### **Relaxation of Load-Line Rules**

#### *Ocean-Going Ships*

P.C. 7816, Oct. 8, 1941.—[“Load Line Rules for ships making International Voyages other than voyages between Canada and the United

States of America on any Lakes or Rivers, and voyages from any place in Canada to any other place in Canada, other than on Lakes and Rivers” were approved by an Order-in-Council of December 18, 1937. They were based on an International Load Line Convention which was adopted in 1930 and to which Canada is a signatory. In order to provide additional cargo space, the Government of the United Kingdom issued an order allowing deeper loading than that permitted by the Convention, and, as depository for the Convention, it also requested Canada to make a declaration that the Convention would be modified in regard to Canadian ships and other ships in Canadian ports.

[The present Order-in-Council was therefore passed to provide that Canadian ships subject to the Convention may now be loaded to limits specified in the Order but their load-line certificates must be endorsed by the issuing authority to indicate the extent to which the international standards have been modified, and the authority may require necessary structural alterations. Ships of any other signatory to the Convention bearing similarly endorsed load-line certificates will receive the same treatment as regards deeper loading in Canadian ports as Canadian ships receive in the signatory's ports. This Order-in-Council does not apply to ships operating in specified zones in certain seasons, to those marked with timber load-lines and carrying timber deck cargoes in accordance with the Timber Cargo Regulations of May 5, 1937, or to those of not more than 330 feet in length operating in certain zones.]

P.C. 7991, Sept. 5, 1942.—[Order-in-Council P.C. 7816 above was originally effective only for a trial period ending on August 31, 1942. The Chairman of the Board of Steamship Inspection reported that there were no ill effects to either ships or crews as a result of it and the present Order-in-Council was passed to extend its period of effectiveness until the end of the war.]

#### *Great Lakes Ships*

P.C. 5581, July 24, 1941, amended by P.C. 4357, May 27, 1943.—[Relaxed special Load-Line Rules which were authorized August 6, 1937, for ships operating on lakes and rivers, to permit them to load below the summer load-line from May 16 to September 15. The depth to which they may be loaded is to be determined by the authorities issuing load-line certificates. The certificates must be marked to indicate the extent to which the Rules have been modified. They may be issued for any period up to five years but will have no effect after the Order-in-Council has ceased to be effective.]

P.C. 2243, Mar. 23, 1942.—[After United States authorities had agreed to take similar action, this Order-in-Council was passed to extend the summer season for Upper Lake Ships not able to navigate the St. Lawrence locks, so that deeper loading is permitted for such ships between May 1 and September 30.]

## Pensions and Compensation

Provision has been made for the consideration and control by one authority of all present and future pension and compensation schemes under Dominion legislation, including the schemes relating to seamen contained in this subsection and the special workmen's compensation schemes to be found on pp. 42-44.

Schemes at present in effect for seamen and salt-water fishermen provide for the payment of pensions or compensation for disability or death, loss of or damage to personal effects or loss of remuneration suffered as a result of enemy action. Steps have been taken to facilitate consideration of the claims made by Canadians on ships of non-Canadian registry and to simplify in certain cases the procedure for disposing of the wages of dead seamen.

Free medical treatment for injuries suffered as a result of enemy action is provided to such Canadian salt-water fishermen as are not eligible for it under Part V of the Canada Shipping Act. Seamen and fishermen who are receiving disability pensions and are unable to resume their former occupations are entitled to grants to permit them to undergo vocational training. Seamen on Dominion steamers receive a special bonus, similar to that paid by private companies, as compensation for the risks they undergo when their ships are operating in dangerous waters.

### Co-ordination of Pension and Compensation Schemes

P.C. 162/9150, Oct. 7, 1942.—[Provides for the consideration and control of all present and future pension and compensation schemes by the Treasury Board assisted by an advisory committee, so that overlapping and anomalies may be eliminated. Schemes at present in effect which are covered include: (1) "war pension schemes" such as workmen's compensation payments arising directly out of the war (pp. 42-44), etc., (2) "war compensation schemes" under which merchant seamen and salt-water fishermen receive compensation, etc.; (3) "general schemes" which were in effect before the war and under which superannuation, workmen's compensation and other benefits are paid to Government employees.

[All proposals for the extension or amendment of existing schemes or for the establishment of new schemes must now be submitted to the Treasury Board which will, if it sees fit, submit them to Council. The Board will be assisted by a Pensions Advisory Committee, consisting of representatives of the Canadian Pension Commission, the Treasury Board and the departments of Pensions and National Health, Transport (Government Employees' Compensation Branch) External Affairs and Finance, together with *ad hoc* members from any department interested in a particular scheme. The Committee will review and consolidate existing "war pension schemes" and will review any other scheme referred to it by the Board except matters relating directly to the Pension Act.]

### Disability or Death

P.C. 104/3546, Apr. 30, 1942.—[Consolidates previous regulations and applies to seamen serving on ships of Canadian registry or licence, seamen of Canadian nationality serving on non-Canadian ships certified by the Transport Controller to be engaged in essential war work on behalf of the British Commonwealth, and Canadian salt-water fishermen. Pensions are payable to or in respect of such seamen who suffer disability or death due to enemy action or

counter-action against it, including disability or death suffered while the seaman is proceeding outside Canada to or from his ship or while he is on leave from his ship outside Canada. The rate of pension for the various ranks is that set forth in the Pension Act for comparable ranks in the Naval Forces.

[All claims for pensions will be dealt with by the Canadian Pension Commission as if they were claims under the Pension Act. In the case of Canadian seamen serving on non-Canadian ships the Commission will deduct any pension paid under the laws of another country from the pension payable under these regulations. If the seaman is entitled to compensation under provincial workmen's compensation legislation, he will be entitled to the pension payable under these regulations only if he waives his rights under the provincial law. The Pension Commission may presume death wherever there is reasonable evidence that death occurred. All applications must be made within one year.]

### Loss of Effects

P.C. 149/8785, Sept. 26, 1942, amended by P.C. 123/2590, Mar. 31, and P.C. 105/4690, June 8, 1943.—[Established the Compensation to Seamen (War Damages to Effects) Regulations, consolidating previous Orders-in-Council. These regulations apply to all the persons covered by Order-in-Council P.C. 104/3546 (above) and also to licensed pilots and masters and the crew of pilot boats, light-ships and lighthouse and lightship tenders. Compensation is paid for loss of or damage to effects under the same circumstances as pensions are paid for disability or death, and 70 per cent is payable to the widow of a seaman who is presumed dead and whose personal effects are lost. The maximum amount payable ranges from \$70 for ordinary ratings on the various types of ships to \$600 for masters of foreign-trade ships. Claims must be made within a year and are dealt with by the Department of Transport in the case of seamen and the Department of Fisheries in the case of fishermen. A Canadian seaman on a non-Canadian ship will have any compensation he receives under the



law of a foreign country deducted from the compensation payable to him under these regulations.]

### Loss of Remuneration

P.C. 12/4209, June 12, 1941, amended by P.C. 87/5204, July 16, 1941.—[Applies to the persons covered by Order-in-Council P.C. 104/3546 (above) and provides that they will be compensated by way of detention allowances for loss of remuneration due to capture by the enemy or internment in a foreign country. Allowances are awarded by the Canadian Pension Commission with the Department of External Affairs, or other appropriate Department being responsible for furnishing the Commission with the necessary official information. The payments, which may be retroactive to September 10, 1939, are equal to the wages which the seaman was previously receiving from his employer. In the case of a fisherman engaged on a proceeds-sharing basis the allowance is "a sum equivalent to a due proportion of his earnings . . . over the preceding twelve months." Allowances paid under the law of another country to Canadians on non-Canadian ships will be deducted from the allowances paid under these regulations. Such portion of an allowance as the Commission deems suitable may be paid to dependants.]

### Canadian Seamen on Foreign Ships

P.C. 9165, Nov. 26, 1941.—[Was passed to facilitate the consideration of claims for compensation made under the above three Orders-in-Council by or in respect of Canadian seamen on foreign ships. It was necessary because no record of the terms of engagement of such seamen is normally kept in the Central Index Register of Seamen in the Department of Transport. It provides that where the engagement does not take place before a shipping master, a copy of the engagement with the crew and a list of the seamen engaged must be deposited with a shipping master. No foreign ship may be cleared until this is done.]

### Free Medical Treatment for Fishermen

P.C. 3492, Nov. 10, 1939.—[Provides that free medical treatment for injuries suffered as a result of enemy action or counter-action will be received by such Canadian salt-water fishermen as do not receive it under Part V of the Canada Shipping Act. Under the Act ships of Canadian registry are required to pay a duty of two cents a ton and free treatment is provided for all persons employed on them. In the case of ships engaged exclusively in fishing, however, the master is not compelled to pay the duty, and if he does not the persons employed on his ship are not entitled under the Act to free treatment.]

### Rehabilitation Grants

P.C. 80/4430, May 27, 1942.—[Provides that any seaman or fisherman who is receiving a pension under Order-in-Council P.C. 104/3546 (above) and whose disability in the opinion of the Minister of Pensions and National Health is such as to prevent him from following his principal former occupation, will be covered by the sections of the Post-Discharge Re-establishment Order (p. 107) under which grants may be paid to persons discharged from the armed forces who are pursuing vocational, technical or other educational training which the Minister considers will fit them for employment or re-employment. Grants may not normally be paid for more than 18 months after discharge, and in the case of seamen and fishermen "discharge" means the date on which the first payment of pension was issued.]

### War Bonus for Crews of Dominion Steamers

P.C. 122/7359, Aug. 19, 1942, amended by P.C. 14/275, Jan. 13, 1943.—[Authorizes the payment on and after June 1, 1942, of a war bonus to the officers and men of Department of Transport and Department of Fisheries vessels while these vessels are operating outside their home port in any zone which may be designated by the Minister of Transport as a war zone. This bonus is additional to cost of living bonus and amounts to 25 per cent of the basic rates of pay. Private companies were already paying a special bonus by permission of the National War Labour Board to crews of ships operating in dangerous waters, and the crews of the Dominion steamers requested that they be given equivalent consideration.]

### Disposition of Wages of Dead Seamen

P.C. 3296, Apr. 22, 1943.—[The Canada Shipping Act provides that when any property of a deceased seaman comes into the hands of the Minister of Transport it will be disposed of in accordance with an order of the court which has jurisdiction in the matter. In numerous cases the Department has been informed by the relatives of a deceased seaman that the balance of wages constitutes the only assets left by him and that it is not intended to take out Letters of Administration. It was therefore considered desirable to provide a simpler procedure in such cases and the present Order-in-Council provides that if the amount involved does not exceed \$100 the balance of wages may be paid to the person named by the seaman in the Articles of Agreement with the crew as his next of kin.]

## IX—POST-WAR RECONSTRUCTION

From the beginning of the war attention has been given to the problems which will arise in connection with the demobilization and rehabilitation of the armed forces and to the general problem of post-war reconstruction. Special committees have been set up to consider these problems and steps have already been taken to assist veterans of the present war in re-establishing themselves in civil life. They are to be re-instated in their former jobs, or where that is not possible, every effort is being made to fit them for employment, to provide them with employment opportunities and to give them financial assistance while they are awaiting employment or receiving training.

## Formulation of Policy

A Special Committee of the Cabinet was set up in December, 1939, to consider the problem of demobilization and some months later formal status was given to a General Advisory Committee which had been set up to advise the Cabinet Committee. In February, 1941, the terms of reference of the Cabinet Committee were extended to include the general question of post-war reconstruction and in September of the same year a Committee on Reconstruction was set up to advise it on this aspect of the work. The duty of advising the Government on post-war planning by departments and agencies of government has now been placed on the Advisory Committee on Economic Policy which was first established at the beginning of the war, and the Reconstruction Committee has been re-constituted with extended powers.

### Advisory Committee on Economic Policy

P.C. 608, Jan. 23, 1943.—[This Committee was originally established on September 14, 1939, to advise on questions of economic and financial policy and organization arising out of Canada's participation in the war. With the increased attention which government departments and agencies must now give to post-war planning, it has been considered desirable to give this Committee the responsibility of advising the Government on such planning by these departments, and the Committee has therefore been re-constituted by the present Order-in-Council which repeals the Order of September 14, 1939, as amended.]

[The Committee is responsible to the President of the Privy Council and consists of the Deputy Minister of Finance as Chairman, the Special Assistant to the Deputy Minister as Vice-Chairman, the Deputy Ministers of Agriculture, Mines and Resources, Labour, Trade and Commerce, National Defence (Army) and Fisheries, the Under-Secretary of State for External Affairs, the Associate Deputy Minister of Pensions and National Health, the Chairman of the Wartime Prices and Trade Board, the Chairman of the Tariff Board, the Commissioner of Customs, the Governor of the Bank of Canada, the Clerk of the Privy Council and Secretary of the Cabinet War Committee, and a representative of the Department of Munitions and Supply.]

4. The powers and duties of the Committee shall be as follows:

- (a) to investigate, report and advise on questions of economic and financial policy and organization arising out of Canadian participation in the war, with a view to avoiding duplication of effort by departments and agencies of government and ensuring effective coordination;
- (b) to plan and organize investigation and study of postwar problems by departments and agencies of government;
- (c) to conduct investigations and studies necessary to the formulation of measures required to meet postwar problems, in co-operation with departments and agencies of government, the Committee on Reconstruction, the Advisory Committee on Demobilization and Rehabilitation, and such others as may be deemed desirable; and
- (d) to prepare reports and recommendations with regard to measures to deal with postwar problems.

[The Committee may appoint sub-committees and it has authority to obtain information regarding post-war planning by government departments or agencies, to assign to these departments the responsibility of making investigations on post-war problems relating to their work and to require them to designate officials to assist it, its sub-committees and staff]

### Advisory Committee on Reconstruction

P.C. 609, Jan. 23, 1943.—[Repeals an Order-in-Council of February 17, 1941, which made the Cabinet Committee on Demobilization responsible for investigating problems of post-war reconstruction, and an Order-in-Council of September 2, 1941, under which a Committee on Reconstruction was originally set up with the duty of advising the Cabinet Committee. A new Committee on Reconstruction is set up by the present Order. It is responsible to the President of the Privy Council and consists of Dr. F. Cyril James, Principal and Vice-Chancellor, McGill University (Chairman), P. R. Bengough, Acting President, Trades and Labour Congress of Canada, Hon. D. G. McKenzie, Chief Commissioner, Board of Grain Commissioners for Canada, J. S. McLean, President, Canada Packers, Ltd., Arthur Surveyer, Arthur Surveyer and Co., Consulting Engineers, Montreal, and Dr. R. C. Wallace, Principal and Vice-Chancellor, Queen's University. The following are ex-officio members: the Chairman and Vice-chairman of the Advisory Committee on Demobilization and Rehabilitation, the Chairman of the Canada-United States Joint Economic Committees, Canadian Committee, and a representative of the Advisory Committee on Economic Policy.]

[The duty of the Committee is to make recommendations on post-war problems and to undertake such investigations as may be determined in co-operation with the Advisory Committee on Economic Policy or as the President of the Privy Council may direct. It has power to appoint sub-committees, to consult such recognized experts as it deems advisable and to employ such qualified persons as may be necessary.]

### Cabinet Committee on Demobilization and Rehabilitation

P.C. 4068½, Dec. 8, 1939.—[Appoints a special Committee of the Cabinet to consider problems arising from the demobilization and discharge of members of the armed forces. The Committee is composed of the Ministers of Pensions and National Health (Convener), Public Works,



National Defence, Agriculture, Labour and Trade and Commerce. It has power to employ the necessary staff.

[Its duties are to procure information and report on the problems connected with demobilization and rehabilitation and, in particular,]

- (a) to consider the adequacy, adaptability and full utilization of the existing governmental machinery which is available to deal with such problems either separately or in conjunction with other activities, and particularly the Department of Pensions and National Health, the Department of Labour, the Canadian Pension Commission, the War Veterans' Allowance Board and the Civil Service Commission;
- (b) to consider the necessity or advisability of any expansions or additions or readjustments which may seem to be advisable in connection with any of the activities of such departments or agencies;
- (c) to appoint Advisory Committees from the personnel of Government departments or agencies;
- (d) to consult from time to time Provincial and Municipal Governments and public service organizations and Canadian citizens interested in such problems;
- (e) to make recommendations as to the organization and composition of representative national and local Committees to co-operate with the Government in meeting the problems of rehabilitation and re-establishment;
- (f) generally to procure information respecting and give full consideration to the problems

above mentioned and the formulation of preparatory plans in connection therewith; and

- (g) to submit from time to time to the Governor in Council such reports respecting the information received and consideration given and the plans formulated as may seem to the Committee advisable to keep the Governor in Council informed in respect thereto.

#### **Advisory Committee on Demobilization and Rehabilitation**

P.C. 5421, Oct. 8, 1940.—[Provides for the establishment of a General Advisory Committee to consider and make reports and recommendations on those matters assigned to the Cabinet Committee on Demobilization and Rehabilitation. It is empowered to appoint sub-committees, and recognized experts outside the Civil Service may be members of these sub-committees or may appear before them. Government departments and agencies are to provide all available information to the Committee and in general to assist it in the performance of its duties. The membership is as follows: the Chairman of the Canadian Pensions Commission (Chairman), the Chairman, of the War Veterans' Allowance Board (Vice-Chairman), the Chairman of the Civil Service Commission, the Deputy Ministers of Labour, Public Works, and Pensions and National Health, a representative of the Department of National Defence, two nominees each of the Ministers of Labour, Public Works, National Defence, Agriculture, Pensions and National Health and Finance, and one nominee of the Minister of Trade and Commerce.]

#### **Re-establishment in Civil Employment**

The Post-Discharge Re-establishment Order is designed to afford "substantially the same standard of protection as under the Unemployment Insurance Act to discharged persons until they become re-established in civil life," and to establish "as nearly as may be, parity . . . between discharged persons who return to insurable employment during the war period." Grants roughly equivalent to the highest benefits under the Unemployment Insurance Act are paid to persons discharged after July 1, 1941, while they are awaiting employment, receiving vocational training, completing educational courses, awaiting returns from independent enterprises such as agriculture or receiving remedial medical treatment. Such grants are also payable to disabled seamen and salt-water fishermen who are receiving vocational training (p. 103). After a discharged person has been in insurable employment for 15 weeks in any 12-month period after discharge, his military service subsequent to July 1, 1941, will be counted as insured employment, with the Government making the necessary employer's and employee's contributions to the Unemployment Insurance Fund.

A Veterans' Welfare Division has been set up in the Department of Pensions and National Health to study employment opportunities for veterans, to help them to get jobs and to give them any other assistance they might need. The same preference is given to veterans of the present war in appointments to the Dominion Civil Service as to veterans of the last war. It has already been noted that vocational training is provided to returned soldiers as part of the War Emergency Training Program (p. 91) and that Government contracts include a provision whereby contractors agree to employ reasonable quotas of veterans of this and the last war (p. 37).

There are also other rehabilitation measures which do not appear in this pamphlet either because they are not Orders-in-Council or they do not apply to returned men

as industrial workers. They provide that persons discharged from the armed forces will receive rehabilitation grants, transport and clothing allowances and, if necessary, remedial medical treatment, pensions for disability and allowances if they are unable to support themselves or their dependants, that such persons and also those who have served during the present war in the merchant marine or the Corps of (Civilian) Canadian Fire Fighters will at the end of their service be re-instated in their former employment under conditions not less favourable than would have applied if they had remained in that employment, and that those veterans who so desire and are considered suitable will be settled or re-settled on the land. Re-instatement is required under the Civil Employment Re-instatement Act, 1942, which replaced the War Measures (Civil Employment Re-instatement) Regulations of June 27, 1941.

#### Post-Discharge Re-establishment Order

P.C. 7633, Oct. 1, 1941, amended by P.C. 2/3241, Apr. 20, 1943.\* Whereas the Minister of Pensions and National Health reports that it is advisable that provision should be made to facilitate the orderly re-establishment in civil life of persons who may be discharged from the Naval, Military or Air Forces of Canada after serving in the present war;

That, as the Unemployment Insurance Act, 1940, came into active operation on July 1, 1941, persons who may be employed in insured industry during the war period will enjoy protection under that Act based on their employment during that period;

That it is advisable that, as nearly as may be, parity should be established between discharged persons who may return to insurable employment, whether in insurable employment before enlistment or not, and those in insurable employment during the war period, and that substantially the same standard of protection as under the Unemployment Insurance Act should be afforded to discharged persons until they become re-established in civil life, whether in insurable employment or otherwise;

That, as unemployment insurance benefits are payable out of the Unemployment Insurance Fund, it is advisable that contributions should be made to that Fund on behalf of discharged persons who return to insurable employment to the end that time served by persons in the Naval, Military or Air Forces of Canada subsequent to July 1, 1941, may count as employment in insurable employment under the Unemployment Insurance Act, 1940;

That it is advisable that persons now in the said forces should know as soon as possible, and that persons who enlist in the future should know when they enlist, the further provision therein after proposed for their orderly re-establishment in civil life on discharge in completion of the program already established for that purpose, namely,

- (i) clothing allowance,
- (ii) transportation to place of enlistment or home,
- (iii) rehabilitation grant,
- (iv) remedial medical treatment,
- (v) vocational training facilities,
- (vi) re-instatement or preference in employment and placement and guidance services, and

(vii) pension for disabilities, with ancillary hospital treatment,

in order that such persons may effectively plan for their re-establishment in advance of discharge;

That, pursuant to the provisions of section 2 of The War Appropriation Act, 1941, chapter 11 of the Statutes of Canada, 1941, the Governor-in-Council may authorize expenditures during the year ending the 31st day of March, 1942, for the carrying out of any measure deemed advisable in consequence of the existence of the state of war; and

That, pursuant to the provisions of the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, the Governor-in-Council may make such orders and regulations as may, by reason of the existence of real or apprehended war, be deemed necessary or advisable for the security, defence, peace, order and welfare of Canada;

Therefore His Excellency the Governor-General-in-Council, on the recommendation of the Minister of Pensions and National Health and under and pursuant to the provisions of The War Appropriation Act, 1941, chapter 11 of the Statutes of Canada, 1941, and the War Measures Act, chapter 206 of the Revised Statutes of Canada, 1927, is pleased to make the following order and it is hereby made and established accordingly:—

#### PART I

1. This order may be referred to as "The Post-Discharge Re-Establishment Order."

2. In this order, unless the context otherwise requires:

"active service" includes service of a "Member (H.D.) of the Canadian Army" and any service of an "R. Recruit" during which he is considered to be on active service by virtue of "Reserve Army (Special) Regulations, 1941."

"discharge" means the discharge or retirement from or the ceasing to serve on active service of a "discharged person" as hereinafter defined;

"discharged person" means any person who, subsequent to July 1st, 1941, has been discharged or retired from, or has ceased to serve on active service in,

- (i) the Naval, Military or Air Forces of Canada, provided, in respect to this class, that such person was in receipt of either active service rates of pay or of Permanent Force rates of pay while

\* P.C. 7633 was amended on Apr. 1, 1942, by P.C. 2602, but P.C. 2/3241 re-enacted the entire order as amended except for the preamble and sec. 1.



serving in the said Forces during the present war, or

- (ii) the Canadian Women's Army Corps, established by Order-in-Council, P.C. 6289, dated the 13th day of August, 1941, or
- (iii) the Royal Canadian Air Force (Women's Division), established by Order-in-Council P.C. 790, dated the 3rd day of February, 1942, including this Force when known as the Canadian Women's Auxiliary Air Force, or
- (iv) the Women's Royal Canadian Naval Service, established by Order-in-Council, P.C. 56/6755, dated the 31st day of July, 1942, or
- (v) the Military, Naval or Air Forces of His Majesty other than His Majesty's Canadian Forces, provided, in respect to this class, that such person was domiciled in Canada at the time of his enlistment therein in the present war;

"enlistment" means enlistment or enrolment in, or appointment to commission in, any of the Forces or Corps aforesaid;

"married person" means—

- (i) a man whose wife is being maintained wholly or mainly by him, or
- (ii) a married woman who has a husband dependent on her, or
- (iii) a married person, widow or widower, who maintains wholly or mainly one or more children under the age of 16 years,

and for the purpose of this definition "child" includes any child of the discharged person, a stepchild, adopted child, or illegitimate child;

"Minister" means the Minister of Pensions and National Health;

"pensionable disability" means a disability in respect of which pension has been granted under the Pension Act;

"pension" means a pension under the Pension Act;

"rehabilitation grant" means a grant made pursuant to the provisions of Order-in-Council P.C. 7521, dated December 19, 1940, as amended;

"service" means service in any of the Forces or Corps aforesaid during the present war, and

"university" means a Canadian University or College, of educational standards approved by the Minister. (Amended, P.C. 2602.)

3. The Minister may make regulations which, in his opinion, are necessary or advisable for carrying out the provisions of Parts II and III of this order.\*

4. The provisions of Regulation 1 of Order-in-Council, P.C. 80/4430 of the 27th of May, 1942, respecting persons serving on ships [p. 103] shall be deemed provisions of this Order, reference

therein to paragraph 13 of this Order being taken to mean paragraph 16 hereof. (P.C. 2/3241.)

## PART II

5. (1) The Minister may, subject to the other provisions of this Order, authorize the payment to a discharged person of an out-of-work benefit for any period during which such discharged person

- (a) is capable of and available for work but unable to obtain suitable employment, and
- (b) follows such course of training or instruction, if any, as the Minister may have prescribed, to fit him or to keep him fit for employment or for re-employment.

Provided that

- (i) in the case of a person discharged from the Canadian Women's Army Corps, the Royal Canadian Air Force (Women's Division) or the Women's Royal Canadian Naval Service the rate of out-of-work benefit aforesaid shall not exceed the rate of pay of the discharged person at the date of discharge;
- (ii) No benefit under this paragraph shall be paid to a married woman whilst her husband is, in the opinion of the Minister, capable of maintaining her either wholly or mainly and under legal obligation so to do, and
- (iii) There shall be deducted from any benefit payable to a woman under this paragraph an amount equal to any amount which she is entitled to receive for the same period as pension (other than pension for a disability of her own) under the provisions of the Pension Act or any Order-in-Council which provides for pension administered under the Pension Act. (Amended, P.C. 2602.)

(2) A deduction shall be made from the out-of-work benefit of a discharged person for any period equal to the amount of the benefit, if any, which he is qualified or able to qualify to receive for the period under The Unemployment Insurance Act, 1940.

(3) A discharged person shall not be deemed to be disqualified for out-of-work benefit by reason only that he has declined an offer of employment under conditions as described in paragraph (b) of Section 31 of The Unemployment Insurance Act, 1940, or by reason of his refusal of employment the acceptance of which would involve the consequences described in Section 32 of the said Act, and he shall not be deemed to be unemployed for any period or day as described in Section 33 of the said Act, but he shall be disqualified for out-of-work benefit in the circumstances defined in Section 43 of the said Act.

6. The Minister may, subject to the other provisions of this Order, authorize the payment to a discharged person of a grant if

- (i) such person is pursuing vocational, technical or other educational training;
- (ii) the Minister approves such training as being training which will fit him or

\* Regulations governing procedure have been issued.

keep him fit for employment or re-employment or will enable him to obtain better or more suitable employment, and

- (iii) he makes progress in such training to the satisfaction of the Minister. (Amended, P.C. 2/3241.)

7. The Minister may, subject to the other provisions of this Order, authorize the payment to a discharged person of a grant for any period during which

- (i) such discharged person engages in agricultural or other enterprise on his own account and is awaiting returns from such enterprise, or is temporarily incapacitated from accepting work or from taking training by reason of a disability, and
- (ii) The Minister is of the opinion that, having regard to the special circumstances of the case, the grant will prove effective in re-establishing him. (Amended, P.C. 2/3241.)

8. In case any discharged person

- (a) has been regularly admitted to a university before his discharge, and resumes within one year and three months after discharge a course, academic or professional, interrupted by his service, or
- (b) becomes regularly admitted to a university and commences any such course within one year and three months after his discharge, or
- (c) because of ill health or because his admission to the university has been conditional upon his fulfilling some additional matriculation requirements or for any other good reason shown to the satisfaction of the Minister, delays resumption or commencement of such course beyond the aforementioned periods,

the Minister may, subject to the other provisions of this Order, authorize the payment to such discharged person of a grant for any period during which he pursues such course, but the grant shall not be continued to any such person who fails in more than two classes or subjects in any academic year, nor to any such person who having failed in either one or two classes or subjects also fails in either or both supplementary examinations next offered by the university in such classes or subjects. (Amended, P.C. 2/3241.)

9. In case any discharged person

- (a) has entered upon a post-graduate course, either academic or professional, in a university before enlistment, or was about to do so at the time of his enlistment, or, having completed his under-graduate course in a university after his discharge, enters upon a post-graduate course as aforesaid, and
- (b) resumes or commences such post-graduate course within
  - (i) one year from his discharge, or
  - (ii) one year from the commencement, next following his discharge, of such course in such university, if his dis-

charge precedes such commencement by not more than three months, or

- (iii) in the case of a discharged person who completes his under-graduate course after his discharge, as soon as may be after such completion,

if the Minister having considered such person's attainments and his course, deems it in the public interest that he should continue such course, the Minister may, subject to the provisions of this Order, authorize the payment to such person of a grant for any period during which he continues such course. (Amended, P.C. 2/3241.)

10. (1) An "out-of-work benefit" under the provisions of paragraph 5 of this Order means an out-of-work benefit at the rate of \$44.20 per month or \$10.20 per week in the case of an unmarried person and at the rate of \$62.40 per month or \$14.40 per week in the case of a married person, together with, in either case, such additional allowance for dependants, if any, as provided by sub-paragraph 3 hereof.

(2) A "grant" under the provisions of paragraph 6, 7, 8 or 9 of this Order means a grant at the rate of \$44.20 per month or \$10.20 per week in the case of an unmarried person and at the rate of \$62.40 per month or \$14.40 per week in the case of a married person, together with, in either case, such additional allowance for dependants, if any, as provided by sub-paragraph 3 hereof, and, in either case, reduced by such amount on account of any pension, wages, salary or other income such person may have received or be entitled to receive in respect of the period for which such grant is paid, as to the Minister seems right,

Provided that a grant under paragraph 6, 8 or 9 of this Order shall not be reduced on account of pension where the discharged person's pensionable disability has been assessed below fifteen per cent, and that reduction of a grant under any of the said paragraphs on account of pension in other cases shall be subject to the following limitations:

- (a) that, where pensionable disability has been assessed between fourteen and sixty per cent the grant shall not be reduced beyond the point where such discharged person shall receive in addition to pension,
- (i) in the case of an unmarried person, a residual portion of the grant per month which, when combined with the rate of pension for an unmarried pensioner without dependants at such discharged person's assessed pensionable disability for a like period, equals \$55.00, or
- (ii) in the case of a married person or person to whom or on whose account an additional allowance is being paid under this Order in respect of a person in lieu of wife, a residual portion of the grant per month which, when combined with the rate of pension for a married pensioner without dependants other than wife at such discharged person's assessed pensionable disability for a like period, equals \$75.00,



together with, in either case, such additional allowance for dependants, if any, as provided by sub-paragraph 3 hereof, and

- (b) that, where pensionable disability has been assessed at sixty per cent or over the grant shall not be reduced beyond the point where such discharged person shall receive in addition to pension.

- (i) in the case of an unmarried person, a residual portion of the grant per month which is equal to 25 per cent of the rate of pension for an unmarried pensioner without dependants at such discharged person's assessed pensionable disability for a like period, or
- (ii) in the case of a married person or person to whom or on whose account an additional allowance is being paid under this Order in respect of a person in lieu of wife, a residual portion of the grant per month which is equal to 25 per cent of the rate of pension for a married pensioner without dependants other than wife at such discharged person's assessed pensionable disability for a like period,

together with, in either case, such additional allowance for dependants, if any, as provided by sub-paragraph 3 hereof;

And for the purposes of this proviso, where pension has been awarded under the provisions of Section 11 (3) or Section 21 of the Pension Act, "assessed pensionable disability" shall be taken to mean the degree of pensionable disability represented by the amount of pension granted, in accordance with the rates set forth in the said Act with respect to pensions as of right;

(3) Additional allowance may be paid to or on behalf of the following dependants at the following rates per month and subject to the following conditions:

- (a) Additional allowance for person in lieu of wife.....\$18.20  
 Additional allowance for one child. 12.00  
 Additional allowance for second child..... 12.00  
 Additional allowance for third child 10.00  
 Additional allowance for each subsequent child not in excess of three..... 8.00  
 Additional allowance for parent or parents..... 15.00

Where the discharged person is in receipt of a pension and the total additional pension in respect of his children is greater than the total of the above allowances for the same, the latter amount shall be increased to the level of the former.

- (b) "Child" means
- (i) a legitimate child of the discharged person, or
- (ii) an illegitimate child of the discharged person for whom he is paying maintenance or whom he is otherwise supporting and on whose account dependants' allowance was being paid by the Department of National Defence at the time of his discharge, or

- (iii) a step-child or legally adopted child of the discharged person being maintained by him,

provided, in any case, that such child, if a boy, is under sixteen and, if a girl, is under seventeen years of age.

- (c) "Parent" means a parent or person in lieu of a parent if such parent or person is in a dependent condition and was solely or mainly maintained by the discharged person during his service, or was solely or mainly maintained by him for a reasonable time prior to the award of the benefit or grant, or becomes in a dependent condition during the period such benefit or grant is payable.
- (d) The additional allowance for a person in lieu of wife may in the discretion of the Minister be paid to a woman who, although not legally married to him, was living with him at the time of his enlistment and on whose account Dependents' Allowance was being paid by the Department of National Defence at the time of his discharge.
- (e) In the case of a widower with a child or children who qualifies as a "married person" within the definition thereof and is being paid a benefit or grant as such, the additional allowance for child or children shall be diminished by the difference in rates as between a married person and an unmarried person unless there exists a daughter or other person competent to assume and who does assume the household duties and the care of the child or children.
- (f) The additional allowances provided in this paragraph are the maximum allowances payable to or in respect of such dependants but if lesser amounts are, in the opinion of the Minister, sufficient for the maintenance of such dependants, lesser amounts may be paid. (P.C. 2/3241.)

11. The Minister may pay to a person pursuing a course under the provisions of paragraph 6 hereof and who is

- (i) a married person, or
- (ii) a person in respect of whom an additional allowance for dependants is being paid under this Order,

a living allowance of \$5.00 per week for any week whilst he is necessarily living away from his usual place of residence in pursuing such course and is thereby, in the opinion of the Minister, obliged to incur extra living expenses. (P.C. 2/3241.)

12. (1) No person shall be paid out-of-work benefit under this Order for his first nine days of unemployment, whether continuous or not, after any period for which he may have been paid a rehabilitation grant or after his discharge where no rehabilitation grant has been paid.

(2) Subject to the provisions of sub-paragraph (3) hereof no out-of-work benefit or grant shall be paid to any discharged person under paragraphs 5, 6 or 7 hereof for any period or periods

- (i) for which he may have been paid a rehabilitation grant, or

- (ii) more than eighteen months after his discharge

and the total period within the said period of eighteen months, for which he may receive out-of-work benefit or grant under this Order, together with any period for which he may have received or is then entitled to receive Unemployment Insurance benefit under the Unemployment Insurance Act, 1940, shall not exceed his period of service nor shall it in any case exceed 52 weeks.

(3) With respect to a grant under paragraph 6 of this Order, in the case of a discharged person who is in receipt of pension, the limitations imposed by sub-paragraph (2) (ii) hereof may be waived, if, in the opinion of the Minister, such discharged person is by reason of increased pensionable disabilities unable to follow his pre-war occupation or his principal post-war occupation or the occupation for which he was previously granted training by the Minister, and has been unable to secure or hold steady employment though possessing a potential physical and mental capacity for work.

(4) No grant shall be paid to any discharged person under paragraphs 8 and 9 hereof for any period or periods for which he may have been paid a rehabilitation grant, nor shall he be paid any grant under the said paragraphs if the total period for which he has received out-of-work benefit or grants hereunder, or unemployment insurance benefit under The Unemployment Insurance Act, 1940, exceeds in all his period of service, unless

- (i) in the case of a person who has been in receipt of a grant under paragraph 8 hereof, his progress and attainments in his course are such that the Minister deems it in his interest and in the public interest that the grant should be continued, and
- (ii) in the case of a person in receipt of a grant under paragraph 9 hereof, his progress and achievements are so outstanding that, in the Minister's opinion, it is important in the public interest that the grant should be continued.

(5) In determining the period of eighteen months mentioned in sub-paragraph (2) of this paragraph, the Minister may regard such a period as being exclusive of any periods during which a discharged person is a patient in any hospital or institution.

(6) No benefit or grant shall be paid under this Order while the discharged person is residing elsewhere than in Canada. (Amended, P.C. 2602, P.C. 2/3241.)

13. Where a grant is being paid to a discharged person under the provisions of paragraph 6, 8 or 9 hereof, or where a grant might be paid thereunder but for reduction on account of pension, wages, salary or other income, the Minister may authorize a payment to be made on his behalf not exceeding the tuition fees, student fees, athletic fees or other charges and costs of his course. (Amended, P.C. 2/3241.)

14. Not more than one grant may be paid to any person under this Part for any period, nor shall any grant be paid to any person for any period for which he is paid out-of-work benefit

hereunder or unemployment insurance benefit under The Unemployment Insurance Act, 1940.

15. Transportation and other travelling expenses, when deemed by the Minister necessary, and limited to the extent deemed necessary, may be authorized in the following cases and in accordance with the following rules:

- (1) (a) Where a discharged person is requested under authority of the Minister to appear at any district office of the Department or elsewhere for rehabilitation consultation, he may be allowed transportation expenses from his place of residence to the place of consultation and return together with other travelling expenses;
- (b) Where a discharged person is pursuing a course under the provisions of paragraph 6 hereof he may be allowed transportation together with other travelling expenses for one trip from his usual place of residence to the place where the course is being held and one trip in return, or one trip from his usual place of residence to the place where the course is being held and one trip to such other place where in the interests of rehabilitation it is deemed by the Minister advisable for him to go and to which he can go without incurring greater transportation or travelling expenses;
- (c) When a discharged person's place of residence during such course is at such distance from the place where the course is being held that daily transportation to and from such place is advantageous as an alternative to changing his place of residence, he may be allowed transportation to and from such place each day that such course necessitates.
- (2) (a) "Transportation" for the purpose of this paragraph means railway transportation with sleeping berth if necessary, and/or reasonable charge for other modes of transportation when necessary and when supported by proper vouchers;
- (b) When a privately owned automobile is used the transportation allowance shall be three cents per mile or the equivalent of one railway fare, irrespective of the number of passengers carried.
- (3) "Other travelling expenses" for the purpose of this paragraph means
  - (a) meals in transit, if not provided by the transportation company, at \$1.00 each;
  - (b) (applicable only to sub-paragraph (1) (a) hereof) board and quarters during the time detained which will wherever possible be furnished at a departmental institution but as to which if not furnished at a departmental institution the following rates shall apply: Meals each \$0.50; Lodging \$2.00 per night. (P.C. 2/3241.)

16. Any payment under this Part during the year ending March 31, 1942, shall be made from



and out of the War Appropriation of the Consolidated Revenue Fund, and any such payment thereafter shall be made out of moneys provided for the purpose.

17. Notwithstanding anything in this Part contained, the Minister may, for any reason which he deems sufficient

- (a) refrain from authorizing any payments under this Part, or
- (b) on new facts being brought to his attention make any order under this Part, in a case where he has previously refused to do so or rescind or amend any order which he has made under this Part, his decision otherwise being final, or
- (c) order that payment of an out-of-work benefit or grant or any instalment or portion of instalment thereof be made to some other person than the discharged person but on his behalf. (Amended, P.C. 2/3241.)

#### PART III

18. Any discharged person who completes fifteen weeks in insurable employment under The Unemployment Insurance Act, 1940, within any period of twelve months, whether continuous employment or not, shall, for the purpose of the said Act, be deemed

- (a) to have received unemployment insurance benefit under the said Act for a continuous period (hereinafter in this paragraph referred to as "benefit period"), immediately prior to the commencement of such fifteen weeks, equal to the period, if any, for which he received out-of-work benefit under Part II hereof, together with the proportion of any period for which he received a grant under Part II hereof which the amount of such grant (not including any additional allowance) per week bears to \$14.40 if he is a married person and \$10.20 per week if he is not a married person, but not exceeding in total in any case, three-fifths of his period of service after July 1, 1941, and
  - (b) to have been in insurable employment immediately prior to the commencement of the said benefit period for a period equal to his service after July 1, 1941,
- and the said insurable employment shall be deemed to have been continuous as nearly as may be without being contemporaneous with any period during which the said person actually was in insurable employment under the said Act prior to the said benefit period. (Amended, P.C. 2/3241.)

19. As soon as may be, after The Unemployment Insurance Commission ascertains that a discharged person has completed fifteen weeks in insurable employment as aforesaid, there shall be credited to the Unemployment Insurance Fund out of the War Appropriation of The Consolidated Revenue Fund if such credit is made during the year ending March 31, 1942, and out of moneys appropriated for the purpose if such credit is made thereafter, the amount of the combined employer's and employed person's contribution under the Unemployment Insurance Act, 1940, for a period equal to the difference between his period of service after July 1, 1941, and one and two-thirds of the period for which, under sub-paragraph (a) of Paragraph 18 hereof,

he is deemed to have been in receipt of unemployment insurance benefit, and the rate of the said combined contribution shall be the average of the contributions shown by such person's unemployment book to have been paid by him and on his behalf for the said fifteen weeks; and for the purpose of the said Act, the said discharged person shall be deemed to have been *bona fide* employed in insurable employment during the said period of service and all contributions shall be deemed to have been paid under the said Act in respect of the said discharged person during the said period of service.

20. If on making any report on the financial condition of the Unemployment Insurance Fund the Unemployment Insurance Advisory Committee finds that the said Fund has been adversely affected by reason of the provisions of paragraphs 18 and 19 hereof, the Committee shall in its statutory report state the amount and the manner in which the said Fund has been adversely affected as aforesaid, and the Governor-in-Council may on receipt of said report take into consideration immediate measures to remedy any depletion of the said Fund due to the operation of this Order which depletion shall have been established by the aforesaid report of the Unemployment Insurance Advisory Committee.

#### Veterans' Welfare Division

P.C. 6282, Nov. 27, 1940.—[This order is based on a recommendation made by the Advisory Committee on Demobilization and Rehabilitation and approved by the Cabinet Committee. It provides for the establishment of a Veterans' Welfare Division in the Department of Pensions and National Health, whose functions are to assist former members of the forces in re-establishing themselves in civil life and to perform such other duties as the Minister may prescribe. Certain specific duties are set forth including the following: to establish sub-divisions at various points throughout Canada, to study occupational opportunities in these areas, to encourage employers to re-employ former employees, to try to secure preference in employment for veterans, to co-operate and keep in constant touch with the public employment service in regard to available employment and to report to the Advisory Committee on Demobilization regarding activities and requirements in each district and the results of any policies which may be in effect or planned.]

#### Preference in Appointments to Civil Service

P.C. 8541½, Nov. 1, 1941.—[Provides that Secs. 29 and 30 of the Civil Service Act will apply to all persons who have served during the present war with the naval, military or air forces of His Majesty or His Majesty's allies, or to the widows of such persons, provided that they were resident in Canada at the time of enlistment. For the purposes of this regulation the war is deemed to have commenced on Sept. 1, 1939.]

[Sec. 29 of the Act provides that the Civil Service Commission must give preference in making appointments (1) to veterans unable to pursue their pre-war occupations and (2) to other war veterans or the widows of veterans. Sec. 30 exempts veterans from any provision regarding age or physical condition.]

## APPENDIX

### Chronological List of Orders-in-Council in Effect on June 15, 1943.

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P.C. 2685, June 19.....	Declaration of principles for regulation of labour conditions in wartime.....	7
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P.C. 4751, Sept. 12.....	Authorizes detention of alien seamen unwilling to serve on ships sailing from Canada.....	94
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P.C. 5792, Oct. 18.....	Amendment, National Registration Regulations.....	89
P.C. 6282, Nov. 27.....	Veterans' Welfare Division of Department of Pensions and National Health.....	111
P.C. 6801, Nov. 23.....	Enforcement of Fair Wage Schedules in Dominion Government contracts for construction work.....	35
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P.C. 852, Feb. 5.....	Amendment, National Registration Regulations.....	89
P.C. 868, Feb. 5.....	National Joint Conference of construction industry.....	13
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P.C. 1913, Apr. 22.....	Administration of Government Employees' Compensation Act in regard to certain classes of workers.....	42
P.C. 14/3550, May 19.....	Manning pools, welfare and training facilities for merchant seamen.....	98
P.C. 142/4015, June 5.....	Extension of Government Employees' Compensation Act to workers in United States.....	43
P.C. 4020, June 6.....	Industrial Disputes Inquiry Commission.....	10
P.C. 12/4209, June 12.....	Compensation to merchant seamen for loss of earnings due to capture.....	103
P.C. 19/4600, June 25.....	Extension of Government Employees' Compensation Act to trainees.....	43
P.C. 4844, July 2.....	Amendment, P.C. 4020, 1941.....	10
P.C. 87/5204, July 16.....	Amendment, P.C. 12/4209, 1941.....	103
P.C. 5581, July 24.....	Modification of Load-Line Rules for Great Lakes ships.....	101
P.C. 85/5775, July 30.....	Moves back effective date of P.C. 19/4600, 1941.....	43
P.C. 6702, Aug. 26.....	Cost of living bonus for civil servants.....	29
P.C. 7068, Sept. 10.....	Amendment, P.C. 4020, 1941.....	10
P.C. 122/7305, Sept. 17.....	Amendment, P.C. 6702, 1941.....	29
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P.C. 28/7474, Sept. 23.....	Extension of Government Employees' Compensation Act to aircraft mechanics in training.....	43
P.C. 7633, Oct. 1.....	Post-Discharge Re-establishment Order.....	106
P.C. 7679, Oct. 4.....	Minimum wages for work on Government contracts for manufacture of equipment.....	36
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# APPENDIX

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